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Lamberto Zannier

Foreword by the Secretary General of the OSCE

The year 2015 marked the 40th anniversary of the signing of the Helsinki Final Act, the founding document of the Organization for Security and Co-operation in Europe (OSCE). Revolutionary for its time, the Final Act represented a historic triumph of co-operation over confrontation and paved the way for the end of the Cold War. Its ten fundamental principles have become pillars of the European security order. It also pioneered the comprehensive approach to security by recognizing a direct link between its politico-military, economic and environmental, and human rights aspects.

The international security landscape has changed significantly since then. With the end of the Cold War and the disappearance of the Soviet Union and Yugoslavia, the Conference on Security and Co-operation in Europe (CSCE) faced new realities, including the emergence of new states in Central and Eastern Europe, South-eastern Europe, and Central Asia. The CSCE soon turned into the OSCE, transforming primarily from a venue for political dialogue into an organization equipped with permanent structures and operational capacities. Over time, the OSCE has successfully managed to apply its unique comprehensive and multidimensional approach to security to an increasing number of challenges: from arms proliferation and the promotion of military transparency to the resolution of protracted conflicts, support for transition processes and democratic reforms, and combating transnational threats. It has developed and strengthened its ability to provide expert advice and capacity-building support in areas such as good governance, economic reform, environmental protection, protection of the rights of national minorities, tolerance and non-discrimination, anti-terrorism, border management, and combating human trafficking. It has built strong partnerships with other multilateral actors as well as its neighbours in the southern Mediterranean and Asian regions to jointly respond to common security challenges. Ultimately, the OSCE's inclusiveness, impartiality, and comprehensive approach to security have proved to be its key comparative advantages in responding to today's rapidly changing security environment and in addressing new challenges such as those related to terrorism and increasing violent radicalization or moving to include new themes on its agenda, such as those relating to the security impact of climate change. And as Europe faces unprecedented inflows of migrants and refugees, the OSCE's comprehensive approach and the richness of its toolbox are proving invaluable in addressing many aspects of this unfolding crisis.

While over the last 40 years the CSCE/OSCE has repeatedly demonstrated its enduring relevance in flexibly adapting to changing security needs in the Euro-Atlantic and Eurasian region, the ongoing crisis in and around

Ukraine is perhaps the most difficult challenge the Organization has faced since the end of the Cold War.

Since the beginning of the crisis, the OSCE has played a central role in the international community's efforts to stabilize the situation. As the only regional security organization involving all key stakeholders with vested interests, the OSCE has proved to be well placed to de-escalate the conflict and support the political process. Its longstanding presence on the ground in Ukraine and its established record as an impartial observer and a credible and neutral facilitator were no less important. The rapid deployment of the Special Monitoring Mission to Ukraine and its ability to quickly adapt to changing realities, particularly when it was entrusted with supporting the implementation of the Minsk Agreements, is a huge achievement for the Organization. But in fact, the entire OSCE toolbox has been mobilized to respond to the unfolding crisis, and the scope of the OSCE's response has covered all phases of the conflict cycle.

The OSCE has amply demonstrated that it can deliver in times of crisis in spite of existing divisions among its participating States. However, regardless of the accomplishments of the OSCE at the operational level, we must also address the underlying causes of these ruptures, which stem from long-term challenges to European security at the political level. Dividing lines had begun to re-emerge well before the turmoil in Ukraine erupted, and mistrust among participating States had been undermining co-operation and constructive engagement in various areas for some time. The crisis in and around Ukraine has only exacerbated the existing disunity and marked a clear retreat from aspirations towards a Euro-Atlantic and Eurasian security community to a confrontational posture and a return to hostile Cold War rhetoric.

In this context, the OSCE as an inclusive platform for dialogue and joint action across the entire Euro-Atlantic and Eurasian region can play a crucial role not only in defusing crises on the ground but also in addressing the challenges facing European security at the strategic level. The OSCE participating States have been engaged in a strategic dialogue almost continuously since 2009, first within the Corfu Process, later through the V-to-V Dialogues, and most recently within the framework of the Helsinki +40 Process that was launched in Dublin in 2012. In January 2015, the OSCE Troika appointed a Panel of Eminent Persons to provide relevant advice on how European security can be re-consolidated as a common project and trust and confidence rebuilt on the basis of the Helsinki Principles and the Charter of Paris. The Panel has produced two reports: an interim report on lessons learned for the OSCE from its engagement in Ukraine and a final report on broader issues of security in the OSCE area. Both reports contain practical recommendations for policy-makers and provide a valuable contribution to a substantive discussion on the future of European security and the OSCE's role. In this regard, co-operation with the OSCE Network of Think Tanks and

Academic Institutions and informal high-level meetings such as OSCE Security Days are increasingly important.

Nevertheless, more than that is needed. A gulf remains between the many ideas and proposals and their real implementation as building blocks towards enhanced trust and confidence. The current situation calls for engagement, leadership, and commitment to jointly explore opportunities for re-launching dialogue and confidence-building to strengthen co-operative security in the OSCE area. This is not an easy task, as mistrust has reached critical levels, and governments are mainly focused on short-term gains as opposed to discussing how to overcome the current stalemate and re-engage in joint work towards long-term objectives. At this particular juncture, the OSCE provides significant value as a platform for inclusive discussions, including on issues pertaining to broader security challenges.

The OSCE also needs to continue enhancing co-operation with the UN and other international and regional organizations under the framework of Chapter VIII of the UN Charter. In today's globalized world, security threats are too complex for any one country or organization to tackle alone. We need to join forces, promote co-operation and find synergies and complementarities.

Today, more than ever, we face a defining moment for European and global security. We urgently need to reaffirm the legitimacy and relevance of the Helsinki fundamental principles and make them more difficult to defy. Although these principles have been violated, they have not lost their validity. We must revive the "spirit of Helsinki" and draw inspiration from the leaders who, 40 years ago, made a commitment to ensure that relations among states are governed and guided by these common principles. We need the same kind of courageous leadership now.

Ursel Schlichting

Preface

The year 2015 sees the 40th anniversary of the signing of the Final Act of Helsinki – the event that marked the "birth" of the OSCE. At the same time, since the beginning of 2014 the security situation in Europe has been convulsed by the Ukraine crisis. Against the background of tensions between Russia and the West, the OSCE has been accepted and made use of as the prime forum for security dialogue, giving the Organization an unhoped-for boost in prominence. Our special focus section this year *"After the Post-Cold War? The OSCE and European Security 40 Years after Helsinki"* – juxtaposes these two occurrences.

First of all, however, the 40th anniversary is an opportunity to take a look back at the eventful history of the CSCE/OSCE.[1]

The signing of the Final Act of the Conference on Security and Co-operation in Europe (CSCE) on 1 August 1975 was the culmination of two years of negotiations that had opened in Helsinki in July 1973. Today, the successor to the CSCE, the Organization for Security and Co-operation in Europe (OSCE), includes 57 states from Europe, North America, and Asia, including all the successor states of the former Soviet Union. Already in the period between 1973/1975 and the end of the Cold War, the unmistakable key features of the CSCE/OSCE were unfolding: multilateral dialogue on security in Europe that ignored political and ideological boundaries and bloc mentalities, and a comprehensive concept of security. According to the latter, security only exists when it is understood to include human rights as an integral aspect and with equal standing to politico-military issues and economic and environmental topics. Consequently, security in Europe; economic, scientific and technological, and environmental co-operation; and co-operation on humanitarian issues are the three key areas of concern of the Helsinki Final Act, which is still the basis of security dialogue and co-operation within the OSCE today. Alongside a document on confidence-building measures, the "security basket" contains a catalogue of ten principles (the "Helsinki decalogue") intended to regulate relations between the participating States. These include the sovereign equality of participating States, refraining from the threat or use of force, the inviolability of frontiers, the territorial integrity of states, and the need for peaceful settlement of disputes. The Helsinki Final Act is therefore considered to be the "founding document" of the CSCE/OSCE,

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1   This retrospective is based on: Ursel Schlichting, *Die OSZE 40 Jahre nach Helsinki: Dialog statt Konfrontation – auch in Zeiten der Krise?* [The OSCE 40 Years after Helsinki: Dialogue over Confrontation – also in Times of Crisis?], Friedensakademie-Blog, at: http://friedensakademie-blog.eu/2015/10/12/die-osze-40-jahre-nach-helsinki-dialog-statt-konfrontation-auch-in-zeiten-der-krise.

even though it has no such status in international law; the decalogue remains the main "code of conduct" for the participating States.

However, the Final Act of Helsinki was more than just the basis for dialogue between Eastern and Western governments. Ordinary citizens also took notice of it, and, in the years following its adoption, it became a key point of reference for dissidents in Eastern Europe, who demanded the implementation of that which the Heads of State or Government had put their signatures to in Helsinki: respect for human rights and basic freedoms, including freedom of thought, conscience, religion, or belief – the seventh of the Helsinki decalogue's principles.

It was also the CSCE that adopted the document that formally sealed the end of the Cold War: In the Charter of Paris for a New Europe of 21 November 1991, the Heads of State or Government from East and West declared "the era of confrontation and division of Europe" to have ended, replaced by "a new era of democracy, peace and unity in Europe" in which the rule of law and human rights are to be respected.

For many, this vision of a peaceful Europe should also have entailed a renunciation of military alliances. One of the visions of an alternative security architecture consisted in expanding the CSCE into a pan-European security organization, preferably on the basis of a treaty that was binding under international law, and ideally equipped with its own armed forces. Such conceptions ultimately proved unrealistic. Not only was the West unwilling to follow the example of the Warsaw Treaty Organization by dissolving NATO or placing it under the control of an organization in which Russia would have an equal voice; this vision also conflicted with the stubbornly persistent thinking – despite all the assurances to the contrary in commemorative declarations – in terms of "winners" and "losers" of the Cold War.

The euphoria also rapidly faded and gave way to disillusionment in another regard: New, intrastate conflicts, mostly interethnic in nature or "nationality conflicts", many of which turned into secession conflicts, in the former Soviet Union and the collapsing multiethnic state of Yugoslavia, escalated into devastating wars, demonstrating all too clearly that a peaceful Europe remained a distant prospect.

During this period, the gradual and yet comprehensive institutionalization of the OSCE was initiated. Nearly all the structures and institutions that the OSCE currently possesses were created in decisions taken between 1990 and 1994. At the same time, the development of an extensive toolbox for preventive diplomacy began, and the first long-term missions for post-conflict rehabilitation, which were to become one of the Organization's hallmarks, were deployed. Finally, at the Budapest Summit in December 1994, the CSCE was renamed the "Organization for Security and Co-operation in Europe" (OSCE).

In the following years, the norm-setting function that had dominated the CSCE's work was to be replaced by efforts to implement these norms. While

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the priority was initially the settlement of the "frozen" conflicts in the post-Soviet area, and post-conflict rehabilitation and peace consolidation, above all in the former Yugoslavia, the focus now turned to the promotion of democracy, the rule of law, and human rights, largely in the transition countries. The second half of the 1990s and the start of the 21st century also saw the zenith of the OSCE's long-term missions and field operations: from the OSCE Mission to Tajikistan; via the missions in Estonia and Latvia, which contributed to defusing the conflicts with the Russian minorities there before closing in 2001; to the OSCE's large missions in Bosnia and Herzegovina and Kosovo. Two further OSCE institutions that emerged in this period also provided success stories: the Office for Democratic Institutions and Human Rights (ODIHR), which is best known for the comprehensive election observation missions it deploys in support of democratization processes, and the High Commissioner on National Minorities, who has mediated in numerous conflicts involving national minorities using quiet diplomacy based on impartiality and confidentiality.

At the same time, the interest of the Central European states in the OSCE gradually began to wane in the mid-1990s. The European Union was more attractive to them for economic reasons and NATO for reasons of military security. NATO's gradual eastward enlargement began in 1999, and the expansion of the EU followed from 2004. Several CIS states, including Ukraine and Georgia, soon found themselves caught between the fronts.

The OSCE sought to compensate for the decline in significance that threatened it as a result of EU and NATO enlargement by taking on additional tasks and entering new areas of activity. The Charter for European Security, adopted at the Istanbul Summit in 1999, and the OSCE Strategy to Address Threats to Security and Stability in the Twenty-First Century, which was finalized at the Maastricht Ministerial Council Meeting in 2003, identified numerous new threats to security alongside the ongoing danger of interstate and intrastate conflict: international terrorism and violent extremism, organized crime (trafficking in arms, drugs, and human beings), economic problems, and environmental degradation. New areas of activity developed around combating terrorism, policing, border security and management, and combating discrimination and intolerance. The Organization's regional focus shifted to South East Europe, the South Caucasus, and Central Asia.

Nevertheless, during the same period, the political significance of the OSCE as a European security organization declined.

The looming re-emergence of political confrontation between "East" and "West" was also reflected within the OSCE. Russia and other CIS states increasingly criticized the fact that OSCE field operations were deployed exclusively in countries "East of Vienna", their alleged interference in the internal affairs of the host states, election observation by ODIHR, and the neglect of hard security issues in favour of a supposedly exaggerated concern

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with democracy and human rights. Other disputes, such as concern over NATO's operations against Serbia during the 1999 Kosovo conflict or plans for the deployment of missile defence systems in Poland and the Czech Republic – in short, the disregard of Russian interests and views in the international context – had a negative effect on the atmosphere within the Organization. Observers soon began to speak of a deep crisis within the OSCE. Finally, the Russo-Georgian War of August 2008 was an early precursor of the Ukraine crisis.

In response to the events of the Russo-Georgian War, the OSCE began to refocus on its comparative advantages and core competencies: the concept of comprehensive and co-operative security; open, permanent, multilateral dialogue; and its expertise in conflict prevention, peaceful conflict settlement, and the stabilization of post-conflict situations. The first tangible result of this was the decision on enhancing the OSCE's capabilities in early warning and early action of December 2011. This was the basis for an enhancement of the OSCE's crisis response mechanisms in the subsequent months. In particular, the creation of an internal roster of OSCE "first responders" – individuals already employed by the Secretariat or the field operations who could be called upon for deployment in conflict areas as rapidly as possible and who would later be replaced by newly recruited staff – and the development of a virtual pool of equipment for the supply of essential items at short notice proved invaluable as the Ukraine crisis escalated during 2014. They enabled the rapid creation and deployment of the OSCE Special Monitoring Mission to Ukraine (SMM), whose first team was able to take up its work in Kyiv on 22 March 2014, just one day after the 57 participating States had adopted the decision to deploy the SMM in the Permanent Council by consensus. At the same time, the 2014 Swiss OSCE Chairmanship made early and frequent use of the OSCE's available conflict-management instruments, e.g. by dispatching Special Representatives of the Chairperson-in-Office to various negotiating formats. Particularly worth mentioning here is the Trilateral Contact Group, consisting of representatives of Ukraine, Russia, and the OSCE – the last represented by the Swiss diplomat Heidi Tagliavini – which agreed a twelve-point protocol in Minsk on 5 September 2014. Among its various clauses, this protocol, which was also signed by representatives of the separatists, called for a ceasefire, details of which were specified in a memorandum of 19 September and which the OSCE was tasked with monitoring. The arrangement on measures for the implementation of these agreements, which was reached within the "Normandy format" on 12 February 2015, further charged the OSCE with monitoring the withdrawal of heavy weapons from the designated security zone. This agreement brought the first hope that the tension might be relieved.

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The first of the two special focus sections in the OSCE Yearbook 2015 links the 40th anniversary of the CSCE/OSCE with current developments in Euro-

pean security. Germany's Minister for Foreign Affairs, Frank-Walter Steinmeier, who will assume the OSCE Chairmanship in 2016, opens this chapter by asking what we can learn from the experience of Helsinki for European security in the 21st century and compares European peace orders past and present. Also taking a historical approach, Reinhard Mutz undertakes a critical analysis of the negotiations between East and West undertaken in the CSCE framework during the period of Europe's division and asks what the CSCE had achieved and failed to achieve by the end of the Cold War. Matthew Rojansky, Mikhail Troitskiy, and David J. Galbreath then analyse the current state of relations between Russia and the West against the background of the Ukraine crisis, examine its effects on security and co-operation in Europe, and focus particularly on the role of the OSCE. Finally, Maxime Lefebvre offers a French view of the Ukraine crisis and the new role for the OSCE that has resulted from it.

As in 2014, a second special focus section contains contributions relating to the Ukraine crisis itself with an emphasis on conflict prevention and crisis management. Heidi Tagliavini, the OSCE's representative in the Trilateral Contact Group until June 2015, gives a first-hand report of the OSCE-led mediation efforts that seek to resolve the conflict; Claus Neukirch once more provides an insider's insight into the activities of the Special Monitoring Mission to Ukraine. The lessons that the OSCE can already draw from the Ukraine crisis for the OSCE's future conflict management activities are the subject of Fred Tanner's contribution; at the heart of Jean P. Froehly's considerations is the contribution that ODIHR has made to defusing the crisis; Hans-Joachim Schmidt illustrates the close interconnections of crisis management and conventional arms control. Finally, P. Terrence Hopmann undertakes a historical comparison of the reactions to the first Ukraine/Crimea crisis from 1992-1996 and crisis management efforts in 2014 and 2015.

Away from the special focus sections, David Aprasidze examines domestic developments in Georgia, with a particular focus on the progress made and obstacles encountered on the way towards the consolidation of democracy. Three contributions focus on Central Asia: Ghaffor J. Mirzoev analyses the significance of religion and culture in the Tajik national consciousness; Thomas Kunze and Michail Logvinov describe potential Islamist threats to the region after the end of the combat mission by the International Security Assistance Force (ISAF) in Afghanistan; and Arne C. Seifert considers specifically how "Islamic State" can be prevented from spreading into Central Asia. In a further contribution, Jenny Nordman examines the role of ethnic nationalism in the policies of states in the Western Balkans, while Daniela Pisoiu and Reem Ahmed explore the phenomenon of growing right-wing radical populist movements in Western Europe.

Three contributions concern themselves with questions of conflict prevention and resolution that are not directly connected to the Ukraine crisis: Jennifer Croft reports on the status of non-citizens in the Baltic states;

Gyorgy Szabo, the OSCE Project Co-ordinator in Uzbekistan, discusses his work; and Samuel Goda outlines the activities of the OSCE Mission to Moldova.

In the section on the three dimensions of the OSCE and cross-dimensional challenges, Reinhold Mokrosch considers the relationship between religious tolerance and satire against the background of the attacks in Paris and Copenhagen in January and February 2015. Within the overall question of how tolerant religions need to be to serve peace, he discusses, on the one hand, whether religions are capable of tolerance at all, and, on the other, whether there should be limits to satire, or if, as Kurt Tucholsky suggested "anything goes". There follows a plea by Omar Grech and Monika Wohlfeld for a proper balance between state and human security in dealing with the current Mediterranean refugee tragedy, after which Paul Holtom considers the OSCE's role in the implementation of the Arms Trade Treaty and Rory McCorley assesses the lessons that can be learned for future activities from the OSCE's border monitoring operations in Georgia and follow-up activities. Finally, Natascha Cerny Ehtesham and Laurent Goetschel describe the increasing significance of civil society for the OSCE in the fields of human rights and peacebuilding.

We would like to thank everyone who has contributed to this publication for their hard work. We are particularly grateful to the Secretary General of the OSCE, Lamberto Zannier, for this year's Foreword, which provides us with much encouragement.

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The fact that the OSCE is in a position to celebrate the 40th anniversary of the signing of the Helsinki Final Act, and thus its 40th birthday in 2015, is an indication that the concept of co-operative security and permanent multilateral dialogue on security in Europe has lost none of its relevance 25 years after the end of the Cold War. The OSCE's strength continues to be its ability to sustain dialogue on security in Europe across political and ideological dividing lines as well as in crisis and conflict situations. It remains the only forum for multilateral security dialogue in Europe in which Russia is formally included as an equal member. By agreeing to the deployment of the OSCE Special Monitoring Mission to Ukraine and the stationing of OSCE observers at two Russian border posts, Moscow has signalled that it does not wish to burn all its bridges, that its interest in co-operation and maintaining security dialogue has not entirely evaporated. Following a phase of reorientation in terms of tasks, competencies, and priorities, a period of uncertainty over its future relevance, during which the OSCE has sought to find its place within the complex system of European organizations, it appears that the Organization's engagement in Ukraine is beginning to suggest some positive answers.

I.
States of Affairs – Affairs of State

Focus: The OSCE and European Security
40 Years after Helsinki

Frank-Walter Steinmeier

Not a Concert of Powers, But an Ensemble of Peace: What We Can Learn from Helsinki for European Security in the 21st Century

Peace Orders in Europe Yesterday and Today

"The Congress is dancing, but it's not moving forwards."[1] This soon to be famous quip was made 200 years ago about the negotiations among the states of Europe in Vienna. For ten months, from September 1814 until June 1815, the crowned heads of Europe had gathered there to create a new order for peace in Europe after the devastation of the Napoleonic Wars. While the diplomats traded horses in the back rooms, emperors, kings, and princes abandoned themselves to the balls and other amusements of the Habsburg capital. Incidentally, the Viennese waltz, that ubiquitous feature of the most glamorous receptions to this day, was still considered indecent at the time, and was coyly relegated to the late-night programme.

The political achievements of the Congress were also generally conservative, focusing on an agenda that sought the restoration of the balance of power in Europe, to be guaranteed by a "concert" of great powers. While the Vienna system did contain co-operative arrangements and even embryonic humanitarian undertakings, such as those concerning the freedom of navigation on the Rhine and other rivers and the abolition of the slave trade, in the coming years, the conservative great powers co-operated largely on jointly suppressing national and democratic initiatives, until the fragile peace in Europe broke down once again with the outbreak of the Crimean War after just four decades.

The Vienna Hofburg, where the most splendid balls and soirees were held at the time of the Congress of Vienna, is now the home of the Organization for Security and Co-operation in Europe (OSCE), an organization that emerged from another European peace conference. But at this conference there was no dancing. At least, the 1,000 plus dispatches that West German diplomats sent from the negotiations in Geneva and Helsinki to Bonn between 1972 and 1975 made no mention of lavish entertainments during the negotiations of the Conference on Security and Co-operation in Europe (CSCE), the conclusion of which saw, for the first time since the Congress of Vienna, an assembly of a majority of European heads of state and government. Yet these two epochal conferences were distinguished not just in terms of leisure activities. The Vienna Congress and the Helsinki Conference also

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1   This and all other translations by the author.

gave very different answers to the challenge of re-establishing a stable peace in Europe following a devastating war.

Today, the security architecture assembled in Helsinki 40 years ago is directly under fire. The crisis in Ukraine confronts us with the question of how we wish to preserve and organize peace and security in Europe in the coming years and decades. In response to the shock to the European security order, there are those who are calling for a fundamental renewal of the architecture, a kind of "Helsinki 2.0". Others favour creating a totally new structure for European security, a structure that purports to be modern and innovative, but which often appears to hark back to the era of the Cold War or even the Vienna system of states. A look back at the history of the CSCE and the OSCE that emerged from it can provide us with perspective on this question, perspective regarding the challenges of the time in which the foundations of our contemporary European order were created, perspective regarding the alternatives that were considered then and ultimately discarded, perspective regarding the transition from the CSCE to the OSCE, which these days plays such an important role in keeping the peace in Europe.

Communication instead of Confrontation – A Leitmotif of Brandt's "Neue Ostpolitik"

Contemporary witnesses of the conferences held in Vienna and Helsinki were surprisingly unanimous in dismissing their achievements. The elderly Goethe opined that it was not even worth recounting the events of the Congress of Vienna, as it had no substance and had achieved no tangible results. Something very similar appeared in the New York Times just before the signing of the Helsinki Final Act in August 1975: "Never have so many struggled for so long over so little as the conference's 100-page declaration of good intentions in East-West relations". This was mistaken, as we know today, but it was a view that many shared at the time. Even the otherwise sagacious Henry Kissinger initially ascribed little significance to the CSCE negotiations, though, with typical magnanimity, he was later willing to admit how wrong he had been: "Rarely has a diplomatic process so illuminated the limitations of human foresight".

The significance of the CSCE was underestimated by so many because the results of the conference, which had taken such an enormous effort to organize, at first appeared to be less than concrete and not very far-reaching. After almost three years of negotiations, the conference was not even able to produce a legally binding final document. Only a few people considered it possible that the real value of the conference was the negotiations themselves – the fact that that a non-violent exchange had been initiated between East and West after years of confrontation. No one saw more clearly than Willy Brandt that détente between the Cold War blocs had to be built on the re-

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sumption of communication, on the willingness to enter into talks. Above all it was "his" city of Berlin that provided painful evidence of how the confrontation between the blocs could divide the European continent, tear families apart, and deliver endless suffering to people on both sides of the Iron Curtain, despite the absence of open hostilities. Even before he was elected mayor of Berlin in October 1957, Brandt had expressed the view that, given the political and ideological divides between East and West, there should be a deliberate effort to intensify human, cultural, and scientific links and contacts rather than to let them be curtailed. Only in this way, he was convinced, could further alienation be prevented, everyday life in the divided city be improved, and the basis for rapprochement further down the road be established.

The genesis of Brandt's *Neue Ostpolitik* can be traced to 13 August 1961, the day work began on the building of the Berlin Wall, although this initially appeared to put the seal on the division of both Europe and Germany. Willy Brandt and Egon Bahr, the "architect" of détente, who died in 2015, drew conclusions from this that were ultimately to be reflected in the principles of the Helsinki Final Act and the subsequent pan-European détente process. The heart of their policy was what has been accurately described as "de-escalation through communication" (Gottfried Niedhart). This policy was not devised and implemented from the rarefied heights of grand strategy, but rather in response to quite specific everyday problems of a divided city and its people. Thus one of the first results of these efforts to achieve détente through dialogue was a success that would make the Berlin Wall a little less impassable: Shortly before Christmas 1963, the first agreement allowing travel between the two Germanies was signed (known as the Permit Agreement), which allowed many Berliners to spend the holidays with their friends and families after more than two years of separation. In this way, "de-escalation through communication" revealed its practical ability to transform both ordinary lives and the world of diplomacy. Another example is the establishment of the first direct communication links between the capitals of Western and Eastern countries for the exchange of information, the clarification of positions, and the avoidance of misunderstandings and misinterpretations.

Brandt and Bahr then translated these communicative improvements into a foreign policy in which "dialogue takes the place of monologue" in order to "establish links through meaningful cooperation among states beyond inter-bloc frontiers" and "in the search for solutions to those problems which, in spite of continuing differences, affect common interest" (Willy Brandt). However, pursuing dialogue and co-operation despite differences required agreement on fundamental principles for mutual relations. The architects of German détente policy agreed that without such principles the recently revived dialogue would have been fragile and co-operation would have remained sporadic and limited. In this way, small-scale rapprochement was followed by solutions to the big diplomatic questions: The regulation of

the Federal Republic of Germany's relations with its Eastern neighbours in the Treaties of Moscow, Warsaw, and Prague, the Four Power Agreement on the status of Berlin, and – once again tellingly including specific agreements on communications and human contacts – the agreements between East and West Germany on transit, traffic, postal services, and telecommunications, which were crowned by the Basic Treaty on relations between the two German states in December 1972.

More of a Jazz Ensemble than a Classical Concert: The Helsinki Final Act as the Beginning of a New European Security Order

In the absence of these agreements on the German question, it is unlikely that the CSCE and the Helsinki Final Act would have come about. Indeed, it was the experience of the long and difficult path from small-scale compromises to major breakthroughs, from the 1963 Permit Agreement to the Basic Treaty of 1972, which then fed into the negotiations in Geneva and Helsinki. These negotiations were not a well-conducted symphony with a clear underlying melodic theme, as had been the case more than a century and a half earlier in Vienna. This was no longer a case of great powers bargaining away the fates of smaller states, defining spheres of influence, or high-handedly dictating the basic elements of other countries' internal politics. In the CSCE, all states had equal rights and were aware that their voices had weight and they could make their interests heard.

The negotiations in Geneva and Helsinki thus resembled a large jazz ensemble with many individual voices more than a classical orchestra. The 35 participating States each brought not only their own interests to the CSCE process, but also their historically developed experiences and skills. The proposed schedule of an initial meeting of foreign ministers, a "working phase", and a concluding conference attended by heads of state or government was made by France. Neutral Switzerland argued strongly that the topics of the peaceful settlement of disputes and freedom of information should be included. For obvious reasons, West Germany showed significant interest in the improvement of travel opportunities and the observance of human rights, while the Warsaw Pact countries focused on economic exchange and disarmament. This multiplicity of interests complicated and extended the negotiations in Geneva and Helsinki, which ultimately lasted three times as long as the entire Congress of Vienna. Yet the proliferation of perspectives and the long discussion process also generated a spirit of innovation and creativity and helped each side to better understanding the other's point of view and expectations. In the end, the complexity of the Helsinki Final Act corresponded to the increased complexity of a world in which ensuring peace and security demanded not only the demarcation of borders, but also and simultaneously the promotion of co-operation across these borders.

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The Soviet leadership around Communist Party leader and head of state Leonid Brezhnev hoped above all to strengthen their domestic legitimacy by achieving success in the field of foreign policy and guarantees for the borders drawn in Eastern Europe after the Second World War. The Eastern states were thus particularly interested in issues of security policy bundled together and negotiated in the first of Helsinki's three "baskets". This interest was bound together with the common desire of all European states in a robust security architecture. This new architecture was no longer to be based on the use or threat of force but on respect for the sovereignty of neighbouring states and the inviolability of their frontiers. However, in contrast to the system created in Vienna more than 150 years previously, the Western states did not seek to entrench the status quo, but rather to make change possible via civil means. On the urging of the West German government, the negotiators in the CSCE process sought to balance the right to self-determination of peoples with the interests of the states in stability, and after a lengthy struggle, a compromise was found: Changes to existing borders were to remain possible, but only in accordance with international law, without violence, and in consideration of the freely determined will of the affected population – in fundamental contrast to the state-centric approach taken by the statesmen at the Congress of Vienna.

The second of Helsinki's three "baskets" was the consequence of interest in closer co-operation on economic and environmental issues – a desire held above all by states in the Eastern Bloc, but also an expression of the general awareness that treaties on the demarcation of borders and arms limitations by themselves would not be enough to guarantee security, stability, and peace reliably and in the long term. Lasting security – and this is another aspect of Helsinki's legacy – can only be built on trust, trust established by means of dialogue and transparency, as well as co-operation in the interest of the prosperity and wellbeing of people. There was also awareness from the start of the Helsinki Process that there exist threats to common security that can only be overcome by means of co-operation. In 1971, Willy Brandt put it as follows: "We need peace not only in the sense of the absence of violence; we need it as the basis for that redeeming cooperation" in view of "hunger, the population explosion, environmental hazards, and the dwindling of natural resources". This list could easily be extended to include contemporary common challenges that can only be met by means of common action, such as international terrorism, transnational crime, or refugees and migration.

The agreement reached on guarantees for human rights and fundamental freedoms – including freedom of opinion, assembly, speech, and movement – in the third Helsinki "basket" followed the insight that stability and security require a normative foundation, not only in relations between states, but also in the ways states relate to their citizens. One fundamental lesson of the turbulent 1960s was that it is in the interest of internal and external stability when citizens are more closely involved in political decision-making pro-

cesses, as this increases the legitimacy of government action and its ability to generate consent.

At the end of this process, a document was generated that introduced a concept of security whose breadth was unprecedented. One of the great achievements of the CSCE was to balance so many different interests and priorities in a single agreement. Such an agreement became possible thanks to a new approach that was fundamentally different from the confrontational politics of the 1950s and 1960s. "The basic philosophy of the CSCE", according to Hans-Dietrich Genscher, the West German foreign minister and therefore the Federal Republic's representative during the conclusion of the Helsinki negotiations, lay in the fact "that all the participants were able to draw benefits from it", that "the politics of all or nothing" that had previously dominated East-West relations were abolished. The weaknesses that many initially diagnosed in the Helsinki Final Act – its non-binding nature, its linking of diverse aspects of security, the many details it left open to be concretized in later talks – have turned out to be its great strengths in the long term. The concluding remarks of the Helsinki Final Act, in which the states reaffirm their determination to "continue the multilateral process initiated by the Conference", and to organize additional meetings at expert and ministerial level to continue an exchange of views on the implementation of the provisions of the Final Act, already indicated that the conference was becoming an "institutionalized permanent dialogue" (Peter Schlotter). The Helsinki "Final Act" was thus anything but "final". In fact, it was merely the beginning – the beginning of the end of the Cold War.

From Discordant Permanent Dialogue to New Harmony in Paris: The CSCE Process and the Overcoming of Divided Europe

The negotiation process that began in Helsinki was continued over the subsequent years and decades, even if, up to the end of the Cold War, discord frequently predominated, and the constructive underlying melody first sounded in Helsinki could only be perceived in the background. This was already evident at the First CSCE Follow-up Meeting in Belgrade just two years later. The Eastern states pressed for further progress in conventional disarmament, while the West called for the implementation of the human rights commitments contained in the Final Act. Little progress was therefore made in Belgrade. At the same time, neither side wanted to damage the CSCE, which had only so recently been established as a form for the free exchange of differing viewpoints among equals. Consequently, the diplomatic negotiators agreed to continue the expert-level consultations and arrange a second follow-up meeting to be held in Madrid two years later. In this way, a permanent channel for communication was established in the form of regular follow-up meetings. Anyone who knows from their own experience of diplomacy just

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what difficulties are involved in getting such hostile and mistrustful partners to sit at the same table at all will recognize that this is no inconsiderable achievement.

Up to the 1980s, such movement as there was on the front between the blocs (which had soon rehardened) was not achieved principally through negotiations between governments, but rather as a result of grassroots initiatives, particularly in Eastern Europe. The role of music in this should not be underestimated. In 1976, the members of the Czech rock band "Plastic People of the Universe" were arrested and imprisoned for several months. However, their arrest had unforeseen consequences, and lent the group more notoriety than they had could have achieved if they had not clashed with the authorities. As a consequence, hundreds of intellectuals signed the famous "Charter 77", which demanded that the government uphold the commitments it had undertaken by signing the Helsinki Final Act, including the right to freedom of expression. Charter 77 became a symbol and inspiration for many other "Helsinki Groups" throughout Eastern Europe and even in the Soviet Union itself. With the publication of the Helsinki commitments in all the signatory states, their populations now had an international standard they could refer to in order to place pressure on governments in East and West to observe their guaranteed rights and freedoms.

The OSCE's human dimension commitments remain a bone of contention among participating States to this day. In recent years, a frequent complaint is that the OSCE concentrates its criticisms on restrictions of human rights and fundamental freedoms one-sidedly on the states "East of Vienna", while also demanding that they introduce Western-style democratic standards, which many states oppose. Yet a consideration of the history of the CSCE process teaches us that all the current OSCE States, even those that joined later on, have entered into these commitments voluntarily. Moreover, Western states also considered the protection of human rights and fundamental freedoms to be above all a contribution to the internal stabilization of the states of Europe, and hence of the European security order as a whole. Spontaneous outbreaks of protest and unrest, civil wars, and conflicts involving minorities would inevitably lead to international tensions and raise the danger of a confrontation between East and West. The prospect of democratic participation and convergence in terms of human rights standards are intended to prevent such conflicts in the interest of peace.

From a specifically German point of view, making cross-border visits easier and removing other barriers to human contact across the internal German border were preconditions for accepting the division of Germany pending a final resolution. In the form of the Basic Treaty and the Helsinki Final Act, the government of the German Democratic Republic (GDR) received the security guarantees it desired as well as extensive, though not complete, recognition. However, to maintain internal stability in the long term, it would have had to implement the commitments it had entered into in Helsinki con-

sistently and on its own initiative. Maybe that could have stemmed the growing dissatisfaction of the population, which ultimately led to the end of Communist rule throughout Eastern Europe and the Soviet Union, while increasing the degree of identification between citizens and governments. Certainly, the fact that the GDR government strengthened its efforts to monitor and repress that country's citizens after 1975 in order to neutralize the effects of the Final Act did not contribute to the regime's popularity and stability in the long term. And if anyone thinks that it was only the signals given out by Helsinki that triggered the desire for freedom of movement, information, and expression in Eastern Europe, they are exaggerating the power of international treaties, and underestimating the natural desire of people throughout the world to live in freedom and enjoy good government.

The end of the Cold War was supposed to have brought to an end the division of Europe into areas where human rights and democratic freedoms were applied differently. This desire for an "era of democracy, peace and unity" was expressed most optimistically in the OSCE's Charter of Paris for a New Europe of 21 November 1990. This document declared that the "era of confrontation and division of Europe" was over and that democracy was now the only system of government of all participating States. The CSCE States reaffirmed human rights and fundamental freedoms and gave the human dimension pride of place in the Charter of Paris, ahead of the other dimensions of security. At the same time, the Charter laid the foundations for the transformation of the CSCE, which up until this time had been a series of conferences and follow-up meetings, into a fairly unique kind of organization – what is now the OSCE.

At that time, there was a general consensus among the participating States of the then CSCE, which included the successor states to the Soviet Union, that the Helsinki Final Act was far from having been made redundant by the end of the Cold War. On the contrary – precisely its contribution to overcoming the confrontation between the blocs confirmed the relevance of the concept of comprehensive and co-operative security. Now there was an opportunity to fully exploit this concept and to adapt it to the new circumstances. In the economic and environmental dimension, in particular, in which very little had been implemented prior to 1989/90, significant progress appeared possible, not only to improve security, but also in raising the prosperity and standard of living of the people of Europe in the long term. In the politico-military dimension, there were also plans to grasp this historical opportunity by intensifying co-operation to further deepen mutual trust. Now was the time, as Willy Brandt had put it 20 years earlier, to shift from conflict prevention to "the organization of co-operation".

The participating States of the then CSCE also recognized that they would face new kinds of challenges now that the confrontation between blocs was over, challenges including disagreements over borders and territories, conflicts involving ethnic minorities, or as a result of infringements of human

rights and fundamental freedoms. In the final document of the 1991 Moscow Meeting of the Conference on the Human Dimension of the CSCE, the participating States declared "that the commitments undertaken in the field of the human dimension of the CSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned". Ever since then, this has been a basic component of the concept of common and indivisible security that all the OSCE participating States reconfirmed at the Astana Summit in 2010.

The OSCE Moves to Vienna – the Future of Our Security Lies in Helsinki

The CSCE responded to these challenges not only conceptually, but also by transforming itself into a more capable organization in operational terms with the development of specialized organs and instruments. After the foundation was laid in Paris, and following an intensive discussion process at subsequent meetings, it was at the Budapest Summit in 1994 that the CSCE States finally resolved to stop meeting as an ad hoc ensemble and instead to reconstitute itself as a permanent and institutionalized orchestra. The permanent home of this orchestra, which had been formed in the spirit of a new harmony, was to be the location where the diplomats of the Vienna Congress had negotiated and danced. Incidentally, the OSCE has never entirely discarded the "jazz" – that ability to be surprisingly innovative and to reinvent itself – that had characterized the CSCE. Since it was first established, the CSCE/OSCE has often developed in leaps and rapid adaptations to unexpected events. Perhaps it is the mixture of patient, long-term work to build trust and create compromises and the willingness to act rapidly and decisively in critical situations that is the key to the success of the OSCE, which has never rejected its character as a permanent negotiating format, a conference, and a platform for dialogue, but has rather retained this as its unique selling point.

Even before the organizational restructuring agreed in Paris was complete, the CSCE already had to react rapidly and effectively to new crises. In 1991, under the Chairmanship of Germany, the CSCE, as it still was, adopted a new "mechanism for consultation and co-operation with regard to emergency situations" as part of a comprehensive parcel of new conflict prevention and conflict management instruments. When the wars of Yugoslav succession broke out that same year, this mechanism was activated for the first time, even before the relevant agreement had formally taken effect. This was the first time that it became apparent what added value the later OSCE could offer in times of crisis: impartial and independent monitoring and documentation of current events to create transparency and information equality, an inclusive forum for the evaluation of information with the participation of the affected parties, and a wide range of instruments for building confidence and defusing tensions, which continue to be developed.

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The OSCE took on further similar tasks starting in 1998, when it undertook its largest monitoring mission thus far in Kosovo (the Kosovo Verification Mission). At its greatest extent, up to 1,400 men and women were deployed in this mission to observe and document military action and alleged attacks on the civilian population – once again with the aim of gathering objective information as a means of contributing to the verification and stabilization of the recently concluded ceasefire and thus to a political resolution of the conflict. The OSCE was also asked to support the establishment of democratic institutions, to supervise the holding of free elections, and to facilitate the return of refugees and displaced persons. If the OSCE was unable to prevent the aggravation of enmities and end the suffering of the civilian population, it was not because the measures it took were ineffectual. The problem was far more that the OSCE participating States and the international community were unable to agree on a determined and united response to imminent threats to peace, stability, and human security in the case of Kosovo and in other conflicts. Things were not helped by the fact that in the 1990s, after a phase of harmony and collaboration, the disharmony that had appeared to have been overcome with the agreement on the Charter of Paris returned to the OSCE concert.

Understanding the precise causes of this disharmony and discussing it with each other in the spirit of open dialogue that enabled the Helsinki Process and kept it alive will be a key prerequisite for the restoration of trust, trust that has suffered serious long term damage as a result of events in Ukraine over the last year. In retrospect, we can already see that the understanding reached in Paris on the equal significance of the three dimensions of the OSCE for the stability of European security only held for a short time. It was not possible to overcome the reflexes and threat perceptions that had been fostered over decades during the Cold War so rapidly. Perhaps all sides had failed to fully grasp one lesson that should have been drawn from the Helsinki Process: Building trust always requires time and effort as well as a willingness to balance interests.

Yet this does not mean that the basic pathway defined by Helsinki is no longer relevant today. A historical retrospective is precisely the right place to recall that the Helsinki Process of the 1970s and 1980s and the OSCE's activities since the 1990s are paradigm cases of the patient, long-termism that diplomacy often requires. Following the final collapse of the Vienna system in the trenches of the First World War, it took Europe decades to return to stability and lasting peace. Only after a further world war was the balance of nuclear deterrence able to restore a kind of fragile stability in Europe. Yet the continent remained far from a robust and genuine peace. For over 40 years, the Cold War influenced the political thinking of several generations of Europeans and their perceptions of each other. Not only history, but also all the conflicts and crises of our time teach us that trust can be broken quickly but only slowly reconstructed. We should therefore not be disheartened by

the crisis of European security that we currently face. Though we are called to prevent the foundations of European security from being damaged further.

It is my firm belief that these foundations remain relevant and correct. The OSCE may be headquartered in Vienna today. But for the future of European security, we should also look back to Helsinki, the lessons that were learned there and the foundations laid. We cannot go back to a time before the comprehensive concept of security was established in Helsinki, including the three dimensions of politico-military, economic and environmental, and human security. Our societies will only be able to maintain stability and prosperity in the long term if this goes hand in hand with respect for human rights and opportunities for genuine participation in decision-making. Co-operation between our states will only function if it is built on recognition of the sovereign equality and territorial integrity of all states. Our world is too complex for models of European order that were developed 200 years ago and that, even in their own time, proved unable to keep the peace between European powers for more than a few decades.

The Helsinki Process teaches us that security is not only built by agreeing on fixed principles for mutual relations. It also requires the trust that such principles will be observed. Today, this trust needs to be restored through dialogue and strengthened through co-operation. Yet we can still learn from the history of previous attempts to create a European peace order: Principles and declarations of intention on their own are no guarantee of peace and stability – we also need institutions that are capable of action to ensure that these principles are observed, to bring violations to light, and to actively pursue "the organization of co-operation". In this regard, the OSCE has proved itself to be an indispensable institution.

I am certain that we do not need new principles, but perhaps we do need a new harmony in Europe, a harmony for the complex world of the 21st century. No finished musical score exists that we can draw on for this. Instead, we have first of all to listen to the individual voices and then to consider how they can be arranged in order to return to common security and stability in the OSCE area. If we are to achieve this, we must be ready to listen to good proposals, even if they – to extend the musical metaphor – initially might sound too strange, too modern, or too grandiose.

To me, one thing appears essential to any diplomatic process concerned itself with European security: We need to preserve and carry on the experience of more than 40 years of CSCE and OSCE and not abandon these achievements. Security is built on principles, on institutions, and on trust; and trust is built on the willingness to engage in dialogue, particularly in times of crisis and estrangement.

In such times it is particularly important that we are ready to talk about all aspects of common security, especially those that have the most relevance for the OSCE area – both now and in the future: returning to confidence-building, guarding against transnational threats, economic co-operation and

connectivity, as well as respect for human rights and fundamental freedoms both within our societies and in relations between them – particularly in view of the major challenges our societies face in terms of integration and mutual respect among cultures and religions as a result of the current influx of refugees. Germany's OSCE Chairmanship in 2016 will take up this challenge, while drawing on the experiences and lessons of the last four decades for guidance and as the melody underlying all efforts to ensure harmonious interplay in Europe.

Reinhard Mutz

The CSCE up to the End of the Cold War: What It Achieved and Where It Failed

The defining feature of post-War Europe was its division into two political-ideological camps. Each bloc contained exclusive subsystems: The European Community in the West, the Council for Mutual Economic Assistance (Comecon) in the East; NATO here, and the Warsaw Treaty Organization there. They provided their members with a framework for mutual support and collective development in competition with the rival system of powers. They not only derived from the political division of Europe but were its most evident manifestation. They also contributed to the hardening of this division. With the end of the confrontation between blocs, the Eastern organizations disappeared without a trace. Their Western counterparts continue to exist, and though their goals have changed, they remain as exclusive as ever.

Among forums for international co-operation, the Conference on Security and Co-operation in Europe (CSCE) had a special place. It also owed its existence to the Cold War, and in many of its aspects and for much of the time, it was a specific form of the conflict's manifestation. However, the fact that it sought not to separate the two sides in the conflict but to bring them together distinguishes it fundamentally from the supranational institutions born of the Cold War. The CSCE was always a pan-European arrangement that was open to every country that wished to participate in it. After 1989, the CSCE seemed the institution most likely to provide a framework for political continuity to the new Europe, which was striving for closer ties and greater cohesion. The following contribution seeks to examine the extent to which the history of the CSCE supports this assumption.

The Idea of a Conference: Conditions of Formation

What was the basic idea of the conference, how did it come about, and what aims was it designed to achieve? At a very general level, the concept of détente provides a key to these questions. According to the protagonists, the participating politicians and diplomats, the answer is as follows: The aim of CSCE participating States was to broaden and deepen the process of détente in Europe, to improve relations between the conflict parties, and to increase mutual confidence. These phrases are contained in the most important document of the conference process, the Final Act of Helsinki, which was signed

on 1 August 1975.[1] Though it does not claim to have established a new framework for peace, it repeatedly evokes the goal of strengthening of peace and security by overcoming confrontational attitudes and encouraging co-operation and confidence-building. The vagueness of such formulas, typical of diplomatic communiqués, was a constant during the entire process that led to the creation of the CSCE. However, this language can also be distinguished positively from that of the first two decades of the Cold War, and while it does not attest to a new quality of political relations between West and East, it does bear witness to a change in the mood and the zeitgeist.

The attempt to determine the starting point of this development leads back to the two global crises of the years 1961 and 1962 – concerning, respectively, Berlin and Cuba. These two disputes resembled each other in terms of the constellation of interests involved, the course of events, and in their outcome. They highlighted the ability of the superpowers to assert dominance in the areas they control, while simultaneously being powerless to expand these areas. While the Soviet Union was able to protect the German Democratic Republic (GDR) from economic emaciation by building a wall around the western half of Berlin, it was unable to wrest West Berlin from American custody and was forced to abandon its plans to establish a base in the Caribbean that would have allowed it to target the American mainland with medium and intermediate range missiles. In a short space of time, two attempts by one superpower to expand at the expense of the other failed. These events illustrate the state of the international system in the late 1950s and early 1960s. There are three stand-out features:

First, the geography of the Cold War was clearly defined around the rivalry between the superpowers. The conflict ranged across the strategically important regions of the globe and had its focus on Europe. Within this region, areas of control were defined and zones of influence were assigned. Each conflict party knew where its sphere of vital interests ended and that of its opponent began. Diplomatic initiatives to reverse the division came to nothing; the Western powers drafted no new plan for the unification of the two Germanies between the Peace Plan of 14 May 1959[2] and the end of the Cold War three decades later.

Second, the failure of attempts to change the overall balance of power between the blocs reinforced the defensive posture of East-West politics. Both sides followed the motto: consolidation before expansion. That was true of the process of bloc formation that was completed in the 1950s, and con-

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1   Cf. Final Act of Helsinki. Final Act of the Conference on Security and Co-operation in Europe, Helsinki, 1 August 1975, in: Arie Bloed (ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht 1993, pp. 141-217, here: pp. 141 and 142; also available at: http://www.osce.org/mc/39501, here: pp. 2 and 3.

2   The Peace Plan proposed to the Soviet leadership by the Western allies on 14 May 1959 focused on proposals to settle the Berlin question. Cf. *Western Peace Plan. Presented at the Fourth Session of the Foreign Ministers by the Foreign Ministers of France, the United Kingdom, and the United States, 14 May 1959*, RM/DOC/8, 14 May 1959.

tinued in the 1960s in efforts to enhance the political, economic, and military integration of the blocs and their subsystems. While "roll back" here and "world revolution" there could be seen – depending on one's point of view – as utopian ideals, dystopian nightmares, or exercises in propaganda, they were never guiding concepts for practical politics. The West's eschewal of intervention in the GDR in 1953 and Hungary in 1956 was repeated in 1968 in Czechoslovakia.

Third, the Berlin and Cuba crises made clear just how high the costs were of each deviation from the path of self-moderation in the field of conflict policy. Both disputes, in which there was no shortage of gestures of threat and deterrence, were played out more or less on the doorstep of one or other nuclear superpower. Neither of the adversaries was powerful enough to impose its political will by military means, though both possessed the power to condemn humanity to a nuclear inferno. If one party had crossed the threshold of violence, it would have left only a choice between capitulation and catastrophe. This *ultima ratio* was avoided. The leaders in Moscow and Washington had glanced into the nuclear abyss, and it deeply affected not only them.

Torpor beset the European continent. The political room for manoeuvre for major tasks that could only be undertaken in concert had been exhausted. Both sides were concentrating on their own problems, turning away from each other in enmity, yet entangled by aggressive polemics. In both Western and Eastern Europe, the development of powerful military apparatuses continued apace, including the terrifying spectre of nuclear weapons. This was the climate in which a new approach to foreign policy was born – the willingness to pursue détente. Key to this was the twin insight into the limits to which the political process between East and West could be managed, on the one hand, and the fatal imponderability of the conflict dynamic if left unattended, on the other. The shift to a politics of détente was a change in methods because what had changed was the means by which the conflict was prosecuted and not the objects of conflict themselves. Détente, as exemplified by the phase of European post-War history so designated, can be understood as the form in which interests are represented in a given conflict situation by co-operative rather than confrontational strategies and instruments. Each party pursues its own goals no longer exclusively against or at the expense of its opponent, but increasingly in consultation with them. Détente means discussion, negotiation, agreement, compromise, and consensus instead of threats, pressure, and force.

It would be mistaken to suppose that the old patterns of behaviour in East-West relations from the early phase of the Cold War were immediately replaced by détente as a direct reaction to the tests of strength between the USA and the USSR in Central Europe and off the Florida coast. The process of change was rather hesitant, gradual, and subject to frequent reversals. It was only in the field of arms control that the new impulses had an immediate

effect. Agreements on the establishment of a direct communications link between Washington and Moscow (the "hotline") and a ban on atmospheric nuclear tests were already concluded by the summer of 1963. By contrast, it took years for the long-debated Non-Proliferation Treaty to be prepared for signing (July 1968), and US-Soviet strategic arms limitations talks (SALT) did not even commence until November 1969.

The year 1969 could thus also be considered the best candidate to mark the start of a phase of post-War politics that could accurately be characterized by the concept of détente. Two key changes of government – the arrival of the Nixon administration in Washington and of Willy Brandt's Social-Democratic/Free-Democratic coalition in Bonn – intensified inter-bloc communication to the extent that a policy of negotiating became the dominant element of East-West relations for a time. This phase also reached its diplomatic apogee in 1975 with the establishment of the CSCE. The second key aspect of détente, alongside strategic arms control, was West Germany's new *Ostpolitik* (Eastern Policy) and the treaties it concluded with several Eastern Bloc states in that period. These included the treaties of Moscow, Warsaw, and Prague, and the Basic Treaty with the GDR, as well as, indirectly, the Four Power Agreement on Berlin.

The third aspect of détente was the project of a European security conference. Of all three, it was the longest and most extensively discussed, combining the greatest variety of expectations with the least clarity in terms of goals. While it was possible to imagine what the general effects of a European conference of states might be, the specific results were uncertain. There were no obvious questions that could only be answered by the whole collective of European states – unless the intention was to place the bloc-based European security system on an entirely new foundation. But none of the key players from either camp had such radical goals. Had the fear of nuclear apocalypse not proven powerful enough to guarantee a minimal level of security? Then not much more was necessary than securing the machinery of deterrence from technical malfunctions, operating errors, and destabilizing influences. Maintaining political solidarity among the allies, keeping an imposing level of military strength in a state of readiness, and demonstrating the will for common defence – these were the imperatives of security according to the understanding that prevailed in the divided Europe. Nor were they seriously called into question even at the time of the most intensive contacts between East and West. For the one-party regimes of the Eastern Europe, who were habituated to bloc-discipline, this was self-explanatory, while the Western allies felt compelled to counteract the danger of national ambitions pulling in different directions by adopting a foundational document laying

down the order of priorities between defence and détente – the Harmel Report of December 1967.[3]

Motives and Interests

At this time, the Warsaw Treaty Organization was already carrying out its broad campaign aimed at convoking a pan-European conference of states. This was based upon and referred back to the July 1966 Declaration of the Political Consultative Committee of the Warsaw Pact on the strengthening of peace and security in Europe.[4] This document focuses on political demands for recognition of existing frontiers and the dissolution of the blocs and also contained an invitation to increase trade and economic co-operation. A more marginal place was given to measures for military détente, including the withdrawal of all forces from foreign territories, the reduction in strength of the armed forces of both German states, the establishment of nuclear-free zones, and the cessation of flights over European states and the entry into European ports by planes and ships carrying nuclear weapons. This catalogue of measures, which would have benefitted the side that proposed it disproportionately, was too blatantly propagandistic for any Western government to take seriously as a basis for negotiation. The reduction in size of the German armed forces would have impacted the *Bundeswehr* above all, simply because of its size. The complete withdrawal of foreign troops would have ended the US presence in Europe. Given that it also contained serious criticism of the USA and West Germany, the document hardly offered promising approaches for a dialogue based on détente.

The Bucharest Declaration was superseded in March 1969 by an appeal by the Warsaw Pact member states to all European countries (Budapest Appeal),[5] a concise text, also adopted at a summit of the Warsaw Treaty states, that increased the urgency of calls for the Eastern Bloc project of a state conference, yet refrained from repeating the anti-Western accusations. In the meantime, thanks to its armed intervention in Czechoslovakia and the violent suppression of the "Prague Spring", the Soviet Union was now on the defensive in Europe, while NATO had overcome the turbulence caused by the departure of France from the alliance and was once more marching in political

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3   Cf, North Atlantic Treaty Organization, *The Future Tasks of the Alliance. Report of the Council – "The Harmel Report"*, 13-14 December 1967, at: http://www.nato.int/cps/en/natohq/official_texts_26700.htm.

4   Cf. *Declaration of the Political Consultative Committee of the Warsaw Pact on the strengthening of peace and security in Europe*, Bucharest, 5 July 1966 (extract), at: http://www.cvce.eu/en/obj/declaration_of_the_political_consultative_committee_of_the_warsaw_pact_on_the_strengthening_of_peace_and_security_in_europe_bucharest_5_july_1966-en-c48a3aab-0873-43f1-a928-981e23063f23.html.

5   Cf. *Appeal by the Warsaw Pact member states to all European countries,* Budapest, 17 March 1969, at: http://www.php.isn.ethz.ch/collections/colltopic.cfm?lng=en&id=18022&navinfo=14465.

lockstep. Nevertheless, suspicion at the proposal did not end even in its updated form, as the Budapest Appeal also did not disguise the fact that the Soviet leadership conceived of the European security conference as a purely European affair at which the presence of non-European powers would be superfluous. This would have had the effect of excluding the United States while including the Soviet Union.

On the whole, the Western political classes did not share most governments' scepticism towards the idea of a European security conference. The project was well received by the social democratic parties, the liberal media, churches and trade unions, and the peace and disarmament movements. Their optimistic expectations contained elements of both idealism and pragmatism. The widespread notion of a "European peace order" exercised a certain suggestiveness, serving to encapsulate the long-term goals of détente,[6] even though there was little reason to suppose that diplomatic conferences alone could overcome the hatred between Europe's two ideological camps. However, the positive functions of an institutionalized dialogue – their ability to promote understanding and accommodation – were assumed by all supporters of the conference idea. Must not the very decision to enter into negotiations have produced a minimum of willingness to compromise? And is "jaw-jaw" not always preferable to "war-war"? Since the aim could only initially be to get the conflict parties to communicate with each other, the horizon of expectations at this time was restricted to declarative results.

Who in Europe had an interest in declarative politics? Certainly the Eastern side more than the Western. As a general rule, a declaration, regardless of its content, tends to confirm the existing reality. In contrast, a substantial agreement transforms reality or at least adds something new to it. A formal confirmation of the status quo in Europe was in the interests of the Eastern Bloc, while the West favoured a transformation of the situation. Convoking a pan-European conference would have acknowledged the states represented as sovereign participants with equal rights and territorial sovereignty behind frontiers that were recognized de facto. This demonstrative act would have been seen by Eastern eyes as a successful conference outcome in itself, even if the negotiations had produced nothing more than declarations of principles and expressions of intent. The Soviet Union had long sought international recognition of the political order in Eastern Europe, including the statehood of the GDR. Such recognition would also have granted Moscow confirmation of its own hegemonic position. Were the conference to precipitate additional benefits, such as smoothing the path for Western support for the modernization of the Soviet economy, this would merely provide an additional motive to support the project.

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6   NATO also appropriated this concept and adopted it in the Harmel Report, Point 9: "The ultimate political purpose of the Alliance is to achieve a just and lasting peaceful order in Europe accompanied by appropriate security guarantees." Cited above (Note 2).

Everything that made the security conference attractive to the socialist camp spoke against it from the Western point of view. For the West, there was not a single politically significant topic that belonged on the agenda of a détente dialogue on which it was also necessary to consult with delegations from Liechtenstein or San Marino. In the Western capitals, there was a specific desire to avoid allowing Eastern leaders to enjoy the triumph of appearing on the world stage as equal participants in a diplomatic setting. The map of this part of the continent was the result of the victory of the Red Army in the Second World War, and the regimes there were the consequence of enforced adaptation to the Soviet system. Since the start of the Cold War, Western policy had focused entirely on making the situation in Central and Eastern Europe appear as provisional, incomplete, and reversible. They did not want to now encourage the impression that they themselves had made permanent a provisional situation tolerated out of necessity. They thus faced a choice between "preventing a conference for the time being, getting through one unscathed, or organizing one themselves in accordance with their own interests".[7] Yet what were the West's own interests?

If détente is, as the conservative definition would have it, the elimination of the causes of tension, then such matters as the reunification of Germany would have been a natural object for negotiations. Yet the major allies of the Federal Republic had long accepted tacitly that they would not make the resolution of the German question a precondition for improved East-West relations, as they had done in the 1950s. The West German government itself had been just as determined, at least since the arrival of Brandt's SPD/FDP coalition in 1969, to avoid causing the collapse of its own *Ostpolitik* as a consequence of making futile demands for the resolution of the German problem. Given that there were overriding domestic considerations that made participation in the security conference an imperative for the West German government, there remained no alternative than to take the status quo as the starting point, the symbolic confirmation of which it was necessary to accept, but which – at least according to the wishes of the West German government – was not to be seen as having been sanctified with the kind of finality accorded to peace-treaties. The key intentions of the Western participants on the eve of the conference were to avoid becoming divided, to put on a united front with co-ordinated positions, and to gain the initiative at the negotiating table. For those countries that had no specific national concerns to raise or special responsibilities (such as the United Kingdom and France did with re-

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7   Uwe Nerlich, Die Interessenlage der Bundesrepublik: Bezugsrahmen und Beurteilungsele-
     mente [The Interests of the Federal Republic: Terms of Reference and Elements of
     Evaluation], in: Hans-Peter Schwarz/Helga Haftendorn (eds), *Europäische Sicher-
     heitskonferenz* [European Security Conference], Opladen 1970, p. 99. Wilhelm Grewe
     used almost exactly the same words, when he wrote of a Western interest "in averting or
     delaying a European security conference, or bringing one about in that accords with West-
     ern goals." Wilhelm Grewe, *Rückblenden*, [Flashbacks], Berlin 1979, p. 674 (author's
     translation).

gard to Berlin) and had thus so far not had a say in the dialogue between East and West, there was now an opportunity to participate actively in the work of furthering détente. The guiding notion was the "multilateralization of détente", which offered something to everyone, and dissipated Western concerns at the value of the event.

The History of the Conference: Phases and Working Methods

On the invitation of the Finnish government, multilateral discussions preparatory to the Conference on Security and Co-operation in Europe began in Helsinki on 22 November 1972. The name alone took account of one Western precondition: The object of the negotiations was security in Europe, not European security, which meant that no further justification was needed for the participation of the USA and Canada. The Soviet Union had also accepted the second Western demand – to simultaneously prepare negotiations on the reduction of conventional forces in Central Europe (Mutual and Balanced Force Reductions, MBFR).[8] Separate discussions on this began in Vienna in late January 1973. Third, the NATO states had also made their willingness to enter into the CSCE consultations dependent on progress being made in the other forums of East-West negotiations. In the meantime, the German-Soviet and German-Polish treaties had been ratified by Moscow and Warsaw, the Four Power Agreement on Berlin had been signed, as had the Basic Treaty between the Federal Republic and the GDR, while the first round of the Soviet-American SALT negotiations had ended with the conclusion of an initial treaty. The exploratory talks held in Helsinki fulfilled the fourth Western condition, namely not to commence the conference immediately, but to prepare the talks substantively and procedurally in advance. The aim of this was to avoid setting out on such a high-profile and prestigious undertaking with no indication of whether it would succeed.

If these preliminary negotiations are included, which is justifiable in terms of their content, if not their form, the CSCE can be considered a four-stage conference process with two intensive working phases of several months, each concluding with a solemn signing ceremony. The preparatory discussions lasted six-and-a-half months, resulting in agreement on the topics to be discussed, the structure of the conference, working methods, and the rules of procedure. It was decided to do without a formal agenda, however, specific programmes for discussion were defined in considerable detail, which predetermined the division of the objects of the negotiations into the three "baskets": security-related matters (basket I), co-operation in economic

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8   Cf. Reinhard Mutz (ed.), *Die Wiener Verhandlungen über Truppenreduzierungen in Mitteleuropa (MBFR) – Chronik, Glossar, Dokumentation, Bibliographie 1973-1982* [The Vienna Negotiations on Force Reductions in Central Europe (MBFR) – Chronology, Glossary, Documents, Bibliography 1973-1982], Baden-Baden 1983.

fields (basket II), and co-operation on humanitarian matters (basket III). The most important procedural rule concerned the consensus principle: A decision was understood to have been taken when opposed by no participating State. The 96 points of the "Final Recommendations" of the Helsinki Consultations were adopted by the foreign ministers of the participating States at their meeting held from 3 to 7 July 1973.[9] This also marked the opening of the main conference.

The second working phase required more effort to organize and was tougher to execute. It began on 18 September 1973 in Geneva. Every European state with the exception of Albania took part, as did the USA and Canada. All the 15 states of NATO and all seven members of the Warsaw Treaty Organization were represented, while the Group of Neutral and Non-Aligned States (N+N) comprised 13 countries, including the Holy See.

Although the Final Recommendations of the preliminary conference had already delineated the various areas for discussion, this amounted initially to no more than a compendium of chapter headings, which it was still necessary to fill with detail piece by piece. All of the language had to be acceptable to each groups of states represented, but also to each national delegation. To achieve this it took five rounds of negotiations over 22 months of talks and a total of 2,341 official sessions.[10] A separate committee was created with responsibility for each of the three baskets along with various sub-committees. Since compromises needed to be negotiated not only within the three baskets but also between them, the Co-ordinating Committee, which had the task of managing the entire process, also had to engage in practical negotiations. It consisted of the heads of delegations, all of whom were ambassadors. The result of these efforts was the Final Act of the Conference on Security and Co-operation in Europe. It was signed by the Heads of State or Government of the 35 participating States at a ceremony in Helsinki on 1 August 1975, garnering an incredible amount of international attention.

The Helsinki Final Act

What is the Final Act and what does it encompass? It is a comprehensive, complex, and convoluted document that alternates between preambulary and operational clauses. The overall division into sections relating to security, the economy, and humanitarian concerns is retained. They comprise the three

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9   Cf. Final Recommendations of the Helsinki Consultations, Helsinki, 8 June 1973, in: Bloed, cited above (Note 1), pp. 121-140; also available at: http://www.osce.org/mc/40213.

10   Cf. Hans-Adolf Jacobsen, Zum Entscheidungsprozess der KSZE 1969-1975/78 [On the CSCE Decision-Making Process 1969-1975/78], in: Hans-Adolf Jacobsen/Wolfgang Mallmann/Christian Meier (eds), *Sicherheit und Zusammenarbeit in Europa (KSZE) – Analyse und Dokumentation* [Security and Co-operation in Europe (CSCE) – Analysis and Documentation], Volume 2, Cologne 1978, p. 519.

main substantive parts of the document, yet differ strongly in terms of structure and language. The first basket, which concerns questions relating to security in Europe, largely consists of a declaration of principles "guiding relations between participating States" – ten in number, and hence frequently referred to as the "decalogue". This declaration can be considered the "static part" of the Final Act. It includes rules of conduct that were considered fundamental and permanent, and which every participating State pledged to adhere to. In what could be considered the "dynamic part" of the document, i.e. baskets II and III, the areas are set out in which co-operation between the states and societies of Europe are to be developed. The economic sphere is subdivided into segments on commercial exchanges, industrial co-operation, science and technology, the environment, transport, and tourism. The humanitarian section includes human (i.e. individual) contacts, information, culture, and education. The prolix language encompasses both the goals of the intended co-operation as well as possible forms and methods to be used.

Appended to the catalogue of principles is a document that introduces a new concept to the discussion: confidence-building measures. These include the prior notification of major military manoeuvres and the exchange of observers to monitor such manoeuvres, both on a voluntary basis. These few clauses are the totality of what the Final Act has to say in relation to military security. A further section of the Final Act, placed between the second and the third baskets, contains a few general phrases on security and co-operation in the Mediterranean. It was intended to satisfy the southern European participating States, who had lobbied for the involvement of the African Mediterranean countries in the CSCE process. Finally, the concluding section of the document contains the inconspicuous yet highly significant sentence: "The text of this Final Act will be published in each participating State, which will disseminate it and make it known as widely as possible."[11]

Comparing the results of the conference with the intentions that both sides originally brought to the table, it appears that it came nearer to fulfilling Western expectations than those of the Eastern participants. The socialist states would have preferred a brief concluding document containing provisions clearly confirming the status quo and paving the way for the establishment of a pan-European supervisory institution. The Western powers, by contrast, were interested in keeping institutionalization to a minimum, while maximizing levels of exchange and communication between East and West. The sheer length of the Final Act, the variety of topics it deals with, and particularly the inclusion of the third basket, which the Eastern participants had tried in vain to keep out, support this. Nonetheless, among the Soviet Union and its partners, an interpretation of the results of the Final Act prevailed that foregrounded the catalogue of principles in the first basket and evaluated its endorsement by a pan-European forum at the highest level of diplomacy as

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11   Final Act of Helsinki, cited above (Note 1), p. 210.

an act that definitively gave the seal of approval to the realities in Europe created as a result of the Second World War. A GDR publication evaluated the Final Act as follows: "With the agreement of these principles, the key political question of the territorial status quo in Europe has been permanently resolved, the inviolability of post-War frontiers has been set down in a multilateral context – both politically and in terms of international law – and principles of peaceful co-existence have been established for the whole of Europe."[12] At least three elements of this interpretation are not supported by an examination of the text of the Helsinki Decalogue: The permanence of the principles, their binding nature under international law, and the characterization of future relations among the states of Europe in terms of "coexistence".

There can be no talk of the permanence of the territorial status quo. Though the frontiers of all states in Europe are declared to be inviolable (Principle III) with regard to attempts to change them by violent means, they are also declared to be changeable by peaceful means and by agreement (Principle I).

The Final Act as a whole, and hence also the declaration of principles with which it begins, did not establish any new international laws. They were neither ratified by national parliaments nor registered with the Secretariat of the United Nations as required by Article 102 of the UN Charter for international agreements or treaties. They are merely a catalogue of declarations and statements of intent, not an international treaty, but rather a joint declaration. They are politically but not legally binding on their signatories.

The claim that the Helsinki Principles concern peaceful coexistence is demonstrated to be inaccurate by a consideration of their preamble. In it, the CSCE States declare that they agree to respect these guiding principles in their relations "with all other participating States, irrespective of their political, economic or social systems". By contrast, the principles of peaceful co-existence, according to the Communist theory of foreign policy, apply only to relations between states subscribing to different models of social order. Among states on the socialist side, different principles could be applied, e.g. the Brezhnev Doctrine, which assumed that socialist states had limited sovereignty in their mutual relations. This distinction between one kind of international law within the bloc and one for relations with non-socialist states was something that the principle of universal applicability of the Helsinki Final Act explicitly set out to counteract.[13]

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12 Werner Hänisch/Dieter Vogl, *Helsinki – Ergebnisse und Perspektiven* [Helsinki – Results and Prospects], Berlin 1977, p. 25 (author's translation).

13 On the Western understanding of the Helsinki Principles, and particularly the West German view, cf. Klaus Blech, Die Prinzipienerklärung der KSZE-Schlussakte [The Declaration on Principles of the Helsinki Final Act], in: *Europa-Archiv* 8/1976, pp. 257-270.

The ceremonial Helsinki Summit at which the CSCE Final Act was signed represented a kind of "rarefication" of everyday political relations between East and West. This was the first time that the US President, and the leader of the Soviet Union had sat down at the same table together with the Heads of Government from both East and West, together with their counterparts from the often overlooked non-aligned Europe. The procedure itself invoked an image of unity and goodwill. Yet this impression was far ahead of the reality. A glance at the summit document might shed light on why: With their signatures, the assembled state representatives were not merely confirming how much rapprochement and understanding had already been achieved, but were signing up to a compendium of ambitious intentions and promises, a pledge to be honoured in the future. How this pledge would be redeemed was only indicated vaguely. The Act distinguished between three levels of implementation: unilateral measures to be undertaken by a single state, bilateral negotiations and agreements between two states, and multilateral meetings that require the co-operation of all participating States.[14] At the third level, the framework for further action was vaguely chalked out, in the form of plans for experts and government representatives to meet to review the implementation of the provisions of the Final Act and to discuss possible additional agreements. Only the time and place of the first follow-up meeting were agreed. As a consequence, nearly every possible option remained open between the CSCE being a one-time event and the start of a permanent process of communication. In the aftermath, all three groups of states – even if their motives were varied – let it be known that they did not want to snap shut the lines of communication now that they had been opened. This led to the model of the CSCE process as a series of follow-up events. Up to the end of the Cold War, these included three main follow-up meetings (Belgrade 1977-78, Madrid 1980-83, and Vienna 1986-89) as well as numerous negotiations, expert meetings, seminars, symposia, and forums dedicated to specific topics.

The impressive list of activities would have been considerably broader in scope if the preparatory meetings of several weeks duration that had preceded most events had also been included, but this says little about the political returns of the CSCE follow-up process. A certain climate was necessary for the conference idea to germinate, and it would have had to continue for it to also bear fruit. Yet the détente era reached its climax in 1975 and immediately showed signs of declining. In Vietnam, the last Americans had to evacuate the country hastily; Cuban troops armed with Soviet weapons intervened in Angola and, from 1977, in Ethiopia. The debate on the divisibility or indivisibility of détente began. The decade of negotiations and treaties ended with NATO's Double-Track Decision, the collapse of the SALT II

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14   Cf. Final Act of Helsinki, cited above (Note 1), section on "Follow-up to the Conference", pp. 209-211.

Treaty, and the Soviet invasion of Afghanistan. In the shifting pattern of East-West relations, if the second half of the 1970s was a period of global cooling, the early 1980s saw the onset of a new Ice Age. It would have been remarkable if the change of climate had not had an impact on the CSCE. The first follow-up meeting in Belgrade failed to produce results; the second in Madrid was only salvaged by a nine-month break. The biggest success of the CSCE process, the Stockholm agreement on military confidence-building in Europe of September 1986,[15] already belonged to a different era. Gorbachev's "New Thinking" had transformed Soviet foreign policy.

An Evaluation: Successes and Shortfalls

The major difficulty with political impact analysis consists in applying methodologies that allow the reliable attribution of cause and effect. In the case of the CSCE, the situation is particularly difficult. In itself, the CSCE's multilateral conference diplomacy could achieve nothing at all. Each recommendation required additional decisions by national governments before it could take practical effect. Where such decisions were not taken, this could be for reasons other than those that caused the participating States to consider it advisable to nonetheless vote for the resolutions in question in the CSCE context. On the other hand, when CSCE initiatives were realized, this should not necessarily be attributed to the effectiveness of the pan-European forum. The CSCE's successes could just as easily have been projects that were so firmly in the interests of the participating States that they would have been brought to fruition even without the efforts of the CSCE. Successful political co-operation in Europe should thus not automatically be ascribed to the merit of the CSCE, just as the failure to co-operate should not be considered the CSCE's failing. Consequently, an evaluation of the Conference's successes and shortfalls should be restricted to determining the extent to which the CSCE's goals became reality. This does not touch upon the question of causality. It is also possible to evaluate whether and to what extent the CSCE's general approach to problem solving can be considered appropriate and effective for achieving the Conference's goals.

The declaration of principles in the Helsinki Final Act attracted considerably more attention while it was being developed than it did in the subsequent follow-up process. The central postulate was the prohibition on violence. It remained inviolate during the remainder of the Cold War, though admittedly the two sides offered stronger guarantees of that than mutual statements of intention. Yet also within the blocs, no society was subject to military intervention between 1975 and the end of the Cold War, despite con-

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15 Cf. *Document of the Stockholm Conference on Confidence- and Security-Building Measures and Disarmament in Europe*, 19 September 1986, in: Bloed, cited above (Note 1), pp. 298-326; also available at: http://www.osce.org/fsc/41238.

cern that Warsaw could become another Prague 1968, something that gravely concerned East-West relations for several months in 1980-81.

In retrospect, the combative wrangling over specific formulations in the drafting of the declaration of principles that would have facilitated or hindered any and all changes to the balance of power in Europe appears to have been unnecessary. It did nothing to deter the historical forces of inertia and the desire for change. An illustrative example is provided by the passage on the right to internal self-determination. The Western proposal was that each state should be allowed to freely choose, develop, and change its political system.[16] The Soviet negotiators were not willing to accept the word "change". It was not included in the Final Act, though this did nothing to stop the societies of Eastern Europe from acting as though it was, when the time came.

The area where the CSCE most clearly failed to live up to the expectations of its participants was that of economic co-operation. This field appeared to offer almost the perfect scope for partnership, as the intensification of economic relations between East and West seemed most likely to promise the mutual benefits that were the goal of détente. Furthermore, economic relations were at such a low level, that there was enormous scope for improvement.[17] However, the outcome was the opposite. While trade between the Eastern and Western Blocs experienced double-digit growth during the late 1960s and early 1970s, the curve flattened off after 1975, and there was even negative growth in the early 1980s. In the CSCE's annus mirabilis of 1975, the OECD countries (the major Western industrial states) accounted for almost a third of foreign trade of the Comecon area, but this sank to under a fifth by 1988. Similarly, trade with the Comecon nations made up around four per cent of foreign trade of the OECD members at the start of this period, falling to around 2.5 per cent by the end. For the Western CSCE States, this trend meant that the issue of economic relations with the East declined to almost complete political insignificance.

Despite the parallels between deteriorating political relations and shrinking economic contacts between East and West, the causes of the decline in the latter field were largely economic in nature. The divergence between the two economic systems, the discrepancy between the trade goods available on each side (manufactured industrial products and capital goods on the one side, raw materials on the other), and, consequently, the shrinking reserves of foreign currency and growing debt of Eastern Europe created

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16   Cf. Karl E. Birnbaum, *Die Konferenz über Sicherheit und Zusammenarbeit in Europa – Eine Zwischenbilanz der Genfer Kommissionsphase* [The Conference on Security and Co-operation in Europe – Interim Results of the Geneva Commission Phase], Bonn 1974, p. 24.

17   Cf. Hanns-D. Jacobsen/Heinrich Machowski/Klaus Schröder, Perspektiven der Ost-West-Wirtschaftsbeziehungen [Perspectives on East-West Economic Relations], in: Hanns-D. Jacobsen/Heinrich Machowski/Dirk Sager (eds), *Perspektiven für Sicherheit und Zusammenarbeit in Europa* [Perspectives on Security and Co-operation in Europe], Bonn 1988, pp. 321-333.

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structural barriers to the expansion of economic co-operation across bloc lines. This was compounded by the impact of a restrictive Western economic policy towards the East. Comprehensive restrictions on technology exports to communist countries (the CoCom list) were only cautiously relaxed from 1987. In the early 1980s, boycotts and embargoes were popular means of opposing the Soviet arms build-up. All in all, the second basket of the CSCE agenda failed to generate the hoped-for impulse towards progress in European détente.

On the positive side of the conference's balance sheet are the results of the negotiations on increasing military transparency in Europe. The confidence-building measures, originally included in the Final Act rather awkwardly to counter the impression that the conference project with the ambitious concept of "security" in its title was completely ignoring the military dimension of the security problem, spent a long time in the background of the CSCE process. On the initiative of France, increasingly supported by West Germany, the West approached the Madrid Follow-up Meeting with the intention of gaining the Eastern Bloc's support for the proposal to hold an extraordinary conference on additional agreements aimed at enhancing transparency. These were intended, in contrast to the modest arrangements of 1975, to be militarily significant, politically binding, properly verifiable, and valid throughout Europe. The resulting Stockholm Conference on Confidence- and Security-Building Measures and Disarmament in Europe was a remarkable chapter in East-West arms-control diplomacy. Opening in January 1984, in the chilly climate created by the crisis over the stationing of medium-range missiles in Europe, the discussions made little progress for two-and-a-half years before the substance was ultimately dealt with in the final two months of negotiations. The final document agreed in September 1986 consisted almost entirely of proposals put forward by the Western side – Gorbachev's homage to the principle of military glasnost.

Despite the name of the conference, the agreement had nothing to do with disarmament, but it established the foundation for a comprehensive network of information on security-relevant military activities that was accessible to the whole of Europe. This included compulsory notification of manoeuvres and major troop movements, the obligation to invite observers, and the requirement that each participating State allow up to three inspections on its own territory per year. In line with normal OSCE practice, the agreement did not have the form of a treaty under international law, but was rather based on mutual commitment. Nevertheless, it was implemented without serious objections. In the first year of application alone, the number of invitations issued to Western states to send observers to manoeuvres in Warsaw Treaty countries exceeded the entire volume of the previous decade under the non-binding stipulations of the Final Act. The Vienna Document of November

1990 further enhanced provisions relating to notification.[18] The long-term goals of this system of notification and inspection is to create a situation where it is not longer possible for a country to make secret preparations for war, or for any such plans on the part of another state to remain invisible. The growth of military transparency and predictability in Europe benefits all CSCE States. Furthermore, since it was achieved via co-operation rather than confrontation, it may also have a beneficial psychological effect on security.

In all likelihood, merely enumerating the concrete transactions between the participating States does not do justice to the CSCE process. Beyond the political and diplomatic activity, a sphere of informal contacts between societies was created that had not existed during the mutual isolation and lack of communication of the 1950s and 60s. Communication was not only between government representatives, but was also undertaken by journalists, scientists, artists, members of all kinds of professional groups on matters of mutual interest and shared experiences. At the same time, they also discussed the topic of Europe – whether always with the intention of increasing understanding is a moot point, but certainly always with the result of increasing knowledge and sharpening awareness. The encouragement of dialogue, including dialogue on contentious issues, can be considered one of the key indirect successes of the conference.

Asymmetrical Détente

The dilemma of the Conference on Security and Co-operation in Europe consisted in the fact that it undertook all its work under a guiding concept that had never been adequately clarified, let alone conclusively defined. There was constant conflict over which of the various competing models of détente was best suited to deal with the issues at hand. One view sought to achieve a balance of interests and mutual understanding on the basis of the status quo. It proposed solutions based on trade-offs and concessions of like kind (symmetrical détente). The other view sought to reduce tension by encouraging the other side to make unilateral changes or to abandon certain stances (asymmetrical détente). The former position focused on mutual benefits, the latter allowed each side to measure success purely in terms of its own goals. One position was willing to make political compromises, the other to offer material incentives at best. From the start, the CSCE suffered as a result of the ambivalence of the concept of détente on which it was based. The consequence was that the consolidation of European security was initiated according to an ineffectual plan and using contradictory means. The first flaw was the fault of the East, the second is the responsibility of the West.

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18   *Vienna Document 1990 of the Negotiations on Confidence- and Security-Building Measures*, Vienna, 17 November 1990, in: Bloed, cited above (Note 1), pp. 489-532; also available at: http://www.osce.org/fsc/41245.

The plan was ineffectual because it was restricted to a narrow section of necessary and possible measures. Of course, the Helsinki catalogue of principles enumerated exhaustively everything that needed to happen to ensure that war in Europe was ruled out and the security of the signatory states was reliably guaranteed. The first five principles, in particular, are abundantly clear: sovereignty, the renunciation of violence, the inviolability of frontiers, territorial integrity, and the peaceful settlement of disputes – nothing more is necessary than the precise compliance with these principles to ensure peace between nations. Yet the solemnity of promises given does not offer protection against the temptation of breaking them at opportune moments, nor does it create certainty that words and deeds will always concur. It therefore should have been obvious that the declaration of principles of security needed to be supported by practical measures, and nothing would have done more to achieve that than jointly reducing the enormous levels of troops, weapons, and equipment that had been built up in Europe during the Cold War. This was NATO's initial proposal, which the Eastern states did not want to pursue, well aware that this would postpone the end of the conference into the indefinite future. Separate forums were thus held on the declaration of security principles and on force reductions, with the result that the CSCE Final Act was already an established fact in recent history when the disarmament talks, which had been outsourced to the Vienna-based MBFR project, had still not progressed beyond the situation they had been in at the start.

The measures proposed by the Helsinki Final Act as a means of guaranteeing security contain significant contradictions. The seventh principle calls for the participating States to respect individual human rights and fundamental freedoms. By doing so, it ruptured the orderly structure of the decalogue. While all the other principles consist in commitments from states to other states, this one creates a commitment for states towards their own citizens. By adducing a behavioural imperative drawn from domestic legal relations for the regulation of international relations, the Helsinki Final Act provides a lever that allows the internal political and social structure of the participating States to be influenced from abroad. Interestingly enough, this principle of human rights comes immediately after the clause that enjoins the signatory states to refrain from interfering in the internal affairs of the other states.

The principle of respect for human rights and fundamental freedoms, combined with the measures on co-operation in the human dimension (the third basket), is what grants the CSCE Final Act a specifically Western imprimatur. In the original Eastern drafts, this was lacking. The Soviet Union and its allies accepted it reluctantly to avoid endangering what was of key importance to them – namely the approval of the document as a whole by all 35 states. They would soon have to pay the price for this compromise. At the follow-up conferences, the human rights principle provided the means to place them in the dock. The dispute over the implementation of these provi-

sions entirely eclipsed the issue of the ongoing development of the Final Act for a while; the scene became a tribunal. This exhausted most of the first follow-up meeting in Belgrade, while the second Meeting in Madrid eventually lasted no less than three years, as the debates on implementation continued to flare up again and again. The CSCE expert meetings on human rights in Ottawa (1985) and on human contacts in Bern (1986) both failed to produce substantive results. To the annoyance of not just the Eastern Europeans but also the bulk of the Western Europeans and neutral states, they did not even result in a final communiqué.

The third follow-up meeting in Vienna, which ended in January 1989, still before the collapse of the socialist system, was the turning point that brought about the final triumph of the Western understanding of the role of the CSCE. Statements on human rights and third basket matters took up half of the concluding document.[19] No fewer than 15 individual clauses were dedicated to explicating the principle of freedom of religion or belief. These included the right of religious communities to organize themselves according to their own hierarchical structures, and the right of every individual to receive religious education in the language of his or her choice. The principle of the freedom of movement was extended to include several new aspects, including the right of tourists to accept accommodation in private residences and the right of pilgrims to carry with them religious publications and objects related to the practice of their faith. In view of this wealth of detail, even Western diplomats were beginning to take the view that the security conference had exhausted its need to create new rules.[20] Social and economic human rights – issues for which the Eastern delegations had traditionally advocated – were also mentioned, yet only briefly in a formula stating that the participating States will "pay special attention to problems in the areas of employment, housing, social security, health, education and culture".[21] As an illustration of normative power and what is meant by "asymmetrical détente", the Vienna Concluding Document is exemplary.

It is only in terms of one concept of détente, that of opening up the opposing system to one's own values, that the CSCE can be considered to have made optimal use of the opportunities it had to effect change in the divided Europe. This, however, would also require us to amend the ordinary understanding of security and co-operation. The security gains achieved by co-operative means during the era of détente include the accommodation reached by the two superpowers on their mutual relations in 1974, the initial SALT compromise, and the conflict-defusing settlement of long-smouldering conflict issues in Europe, including Poland's Western frontier, the statehood

19   Cf. *Concluding Document of Vienna*, Vienna, 15 January 1989, in: Bloed, cited above (Note 1), pp. 327-411; also available at: http://www.osce.org/mc/40881.
20   Cf. Hans-Heinrich Wrede, *KSZE in Wien – Kursbestimmung für Europas Zukunft* [The CSCE in Vienna – Setting Course for Europe's Future], Cologne 1990, p. 153.
21   *Concluding Document of Vienna*, cited above (Note 18), para. 14, p. 335.

of the GDR, and the problem of Berlin. It was only on the back of these substantive agreements that the CSCE was possible.

Two hostile camps that are willing to confirm each other's spheres of influence and to work to gradually deal with the accumulated conflicts that divide them are not about to attack each other. To continue to arm against each other without restraint would have been to simultaneously disavow their own work of détente. Rejecting arms limitations and disarmament when the political ground had been prepared would have been nothing other than an admission that the arms race had become self-sustaining and that security concerns were less and less a product of the conflict than of the weapons themselves. This was the reality of the Cold War at a time when the CSCE was increasingly being transformed into a human rights forum. From the late 1970s, keeping the conference process alive at all was seen as a success of pan-European diplomacy. This shows just how expectations had degenerated. Helsinki turned out not to be a departure to new shores, and the attempt to anchor European security in détente foundered because it abandoned suitable models for co-operative security – arms limitation and disarmament – and overburdened an unsuitable one – human rights.

Matthew Rojansky

The Geopolitics of European Security and Co-operation: The Consequences of US-Russia Tension

Introduction

In modern Western political and media discourse, wars, natural disasters, and all manner of humanitarian crises are understood to be of general interest. Accordingly, it is out of fashion to ask the question, "why should we care?" about events taking place far beyond a nation's borders. Yet political leaders are sometimes pressed to provide an answer, particularly when they seek to mobilize popular support for intervention in a seemingly far-off crisis.

The most often heard justification for Western concern about the crisis in Ukraine has a distinctively modern or even post-modern ring to it. According to US President Barack Obama, "Russia's actions in Ukraine challenge [the] post-war order [… that] bigger nations should not be able to bully smaller ones".[1] While formal legal instruments abound purporting to set forth the agreed rules of behaviour for nations, these specific precepts are seldom cited. Rather, it is Moscow's apparent disregard for the "international order", or the appropriate behaviour for a "modern civilized nation" that seems to animate Western outrage over Russia's annexation of Ukraine's Crimean peninsula and its armed intervention in the Donbas.

Is the Ukraine crisis really such a threat to global order? As Krastev and Leonard have explained, "for the past 300 years, Europe was at the centre of global affairs. […] Even during the Cold War – when the global superpowers were non-European powers – order was still centred around control of Europe and the contest between democratic capitalism and Soviet communism as a battle between European ideologies."[2] Indeed, it was at the very height of that rivalry, in 1975, that a concert of European and non-European states came together to enshrine the principles of the Helsinki Final Act, which laid the

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1 The White House, *Remarks by President Obama in Address to the United Nations General Assembly*, New York, 24 September 2014, at: https://www.whitehouse.gov/the-press-office/2014/09/24/remarks-president-obama-address-united-nations-general-assembly.

2 Ivan Krastev/Mark Leonard, *The New European Disorder*, 20 November 2014, European Council on Foreign Relations, at: http://www.ecfr.eu/publications/summary/the_new_european_disorder322. It should be noted that Krastev and Leonard are perhaps focusing overly on formal geography when they describe the United States and the Soviet Union as non-European powers. In fact, both powers were deeply engaged in Europe for most of the last century, all the more so after their shared victory in the Second World War, and Russia and the United States might both fairly be described as European powers – or at the very least, powers in Europe – to this day.

moral, intellectual, and political foundation for the post-Cold War Charter of Paris for a New Europe (1990), and the creation of the Organization for Security and Co-operation in Europe (OSCE). Thus it does seem that until China, India, Brazil, and other non-European rising powers are prepared to pay the costs and endure the constraints entailed in maintaining global order, the responsibility will reside primarily with Europe, and thus with the OSCE.

If OSCE participating States bear such unique responsibility for European and thus global order in the twenty-first century, can they now live up to the challenge? As the product of political consensus among its participating States, rather than a legally binding international convention, the OSCE depends on the continuing political will of those same states to achieve any meaningful outcome. The success or failure of the OSCE, therefore, depends on interactions between the major powers in the OSCE space, which during the Cold War, were the US and the Soviet Union. Over more than two decades since the Cold War's end, the balance of military, political, and economic power has shifted significantly to the West, yet the key actors remain largely unchanged – the US and its NATO allies on one side, Moscow and its clients on the other.

At the present moment of obvious tension between Moscow and Washington, it may be tempting to dismiss the likelihood of progress on any diplomatic front, let alone in the complex multilateral format of the OSCE. Yet recall that the 1972-75 Helsinki Process itself was birthed in a period of intense rivalry between the US- and Soviet-led blocs, suggesting that reasoned dialogue and consensus on core issues of shared security in the OSCE space is possible, despite – or perhaps even because of – the looming threat of conflict between geopolitical rivals. Thus a key question emerges: Have the current terms of interaction between Russia and the West produced circumstances similar enough to those of four decades ago that they once again necessitate a shift from conflict to co-operation, in which the OSCE could play a central role? Put differently, is the present conflict a new Cold War, with all that would entail, or is it something different?

The Current Crisis and the Cold War in Context

On some levels, the tension between Moscow and Washington in the post-Ukraine crisis period seems quite similar to that which existed between the Soviet Union and the United States during the Cold War. On both sides, the dominant tone of political debate and popular rhetoric has shifted from unease or dismissiveness toward the other to outright hostility, often devolving into demonization of individuals, especially the two presidents. As Robert Legvold has argued, the highly propagandized narratives heard on both sides tend to describe the origins of the current crisis in absolutist terms – the other side is seen as solely at fault for provoking and exacerbating the conflict at

each stage.[3] And as Michael Kofman has explained, both sides are engaged in significant military escalation with a clear flavour of Cold War-style strategic military rivalry, in some cases even including nuclear sabre rattling.[4] Some observers have referred to a "new containment" policy on the US side to balance the perceived threat of Russian aggression.[5]

Neither side devotes significant attention to efforts at preserving or enhancing co-operation via official or unofficial channels, even in areas of obviously shared interest – President Obama's explicit acknowledgment of Russia's important role in clinching the recent Iran nuclear deal being the exception that underscores the rule.[6] Although the White House has been more careful in its statements about Putin and Moscow than have members of Congress and certainly more so than the 2016 presidential candidates, most official US views on Russia fall into either or both of two categories: It is a serious and dangerous threat and/or it is a declining regional power.[7] In the official Russian view, echoed in state sponsored media, the US and NATO are seen as major threats to Russia, bent on containing Russian power and influence and ultimately bringing about violent regime change.[8]

Not surprisingly, there is ample pressure from the political classes and the general public in both countries to impose "tit for tat" punishments on the other side, in a potentially endless escalation of sanctions and counter-sanctions.[9] Finally, the two states are engaged on opposite sides and at varying levels in a series of proxy conflicts in third countries, especially along the post-Soviet periphery and in the Middle East. As in the Cold War, both Moscow and Washington have courted support for their positions from other

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3   Cf. Robert Legvold, Managing the New Cold War: What Moscow and Washington Can Learn From the Last One, in: *Foreign Affairs* July/August 2014, at: https://www.foreignaffairs.com/articles/united-states/2014-06-16/managing-new-cold-war.

4   Cf. Michael Kofman, *Putin's Plan to Deter Hawks in Washington*, War on the Rocks, 24 August 2015, at: http://warontherocks.com/2015/08/is-russias-power-to-annoy-changing-the-game.

5   Cf. Eugene Chausovsky, *Why the U.S. Feels It Must Contain Russia*, Stratfor Analysis, 23 August 2015, at: https://www.stratfor.com/analysis/why-us-feels-it-must-contain-russia.

6   Cf. Roland Oliphant, Barack Obama Praises Putin for help clinching Iran deal, in: *The Telegraph*, 15 July 2015, at: http://www.telegraph.co.uk/news/worldnews/barackobama/11740700/Barack-Obama-praises-Putin-for-help-clinching-Iran-deal.html.

7   On Russia the threat, cf. J.J. Green, *Pentagon: Russia poses "existential threat" to the United States once again*, WTOP.com, 21 August 2015, at: http://wtop.com/national-security/2015/08/pentagon-russia-poses-existential-threat-us; on Russia the declining power, see Joseph S. Nye, *Russia the Declining Power*, Project Syndicate, 14 April 2015, at: http://www.project-syndicate.org/commentary/russia-decline-challenge-by-joseph-s--nye-2015-04.

8   Cf. Paul Sonne, U.S. Is Trying to Dismember Russia, Says Putin Advisor, in: *Wall Street Journal*, 11 February 2015, at: http://www.wsj.com/articles/u-s-is-trying-to-dismember-russia-says-putin-adviser-1423667319.

9   Cf. Andrew E. Kramer, Russia Seeks Sanctions Tit for Tat, in: *The New York Times*, 8 October 2014, at: http://www.nytimes.com/2014/10/09/business/russian-parliament-moves-closer-to-adopting-law-on-compensation-for-sanctions.html.

states, sometimes achieving international alignments or coalitions that are disturbingly reminiscent of Cold-War geopolitical "blocs".[10]

Yet there are important differences between this conflict and the past. First and foremost, contacts between Americans and Russians at the level of individual citizens, private firms, and charitable or religious organizations are unprecedented in scope and depth. To be sure, ties between Russians and Americans are hardly universal or fully reciprocal. Yet the generations on both sides who have come of age after the Cold War are far better connected to one another than were even the Soviet and US elites a half century ago. Though not necessarily more pro-American than their parents, young Russians are far more likely to speak English, have visited the United States or Western Europe, and have access to an unfiltered window on America through popular culture and social media. Such familiarity with Russian language, culture, and lifestyle is not reciprocated on the US side. However, among Americans with professional or personal ties to Russia, connections are both more widespread and more robust than they were for even US Soviet experts during most of the Cold War period.

The imbalance in knowledge of one another is mirrored in the overall power imbalance in US-Russia relations since the end of the Cold War. The United States, coming off a quarter century of hyperpower status, is not accustomed to deferring to the interests of other global actors, including Russia. Despite the setbacks of two gruelling and costly decade-long wars in the Middle East, many Americans remain comfortable seeing themselves and their country as exceptional and indispensable, with the right and obligation to use its power to "help others" around the world.[11] For its part, Russia has recovered considerably from its post-Soviet collapse, bristling at the encroachment of US power into regions where it once held sway. Yet official Moscow still defines its priorities in primarily regional terms, and describes the global system as inherently multipolar or "polycentric".[12]

In many areas, US and Russian interests have remained largely compatible during the post-Cold War period, and they have remained so despite serious differences over Ukraine. Even since the outbreak of conflict in Ukraine, Russia and the US have co-operated to good effect on transit and

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10   Moscow's efforts to cajole, constrain, and coerce its closest post-Soviet neighbours to support its position on Ukraine are a prime example of the goals and potential difficulties of maintaining Cold War type "bloc" positions on today's controversial questions of European security. See, e.g. Adam Taylor, Why Belarus and Kazakhstan are watching Crimea very, very carefully, in: *The Washington Post*, 11 March 2014, at: https://www.washingtonpost.com/news/worldviews/wp/2014/03/11/why-kazakhstan-and-belarus-are-watching-crimea-very-very-carefully.

11   "I'm proud to be an American because we have done something no other great nation in the history of the world has done – we have used our great power not to enslave others, but to enable them." K.T. McFarland, *The United States of America: The one essential, exceptional, indispensable nation*, Fox News Opinion, 30 June 2015, at: http://www.foxnews.com/opinion/ 2015/06/30/why-im-proud-to-be-american.html.

12   Cf. *National Security Strategy of the Russian Federation to 2020, Approved by Decree of the President of the Russian Federation, 12 May 2009, No. 537.*

drug interdiction in Afghanistan, evacuating Syrian chemical weapons stock-piles, and negotiating for a settlement of the longstanding Iran nuclear issue.[13] Pragmatic co-operation in areas of explicitly shared interest should be no great surprise. After all, there is no major ideological divide between the two sides as there was in the Cold War, with basic agreement on free market principles and even on the essential formula of electoral democracy, despite a serious dispute about the extent to which the state must defer to universal human rights and political freedoms.

Lastly, compared to the implicit threat of mutually assured destruction that defined Cold War interactions, there is a low perceived threat that US-Russia rivalries could escalate to direct conventional or even nuclear confrontation. Some observers theorize that talk of a revived US-Russia strategic nuclear rivalry is just that – talk, intended by one side to remind the other that it should be taken seriously.[14] When 2012 Republican presidential candidate Mitt Romney characterized Russia as the top geopolitical threat to the United States, President Obama dismissed that view as a Cold War relic with the quip: "The nineteen eighties are now calling to ask for their foreign-policy back because the Cold War's been over for 20 years."[15]

From this assessment, it would be reasonable to conclude that despite some superficial similarities, relations between Russia and the US today are sufficiently different from the past that they cannot accurately be described as a conflict in the same category as the Cold War. Further deterioration in economic and political ties remains entirely possible, and perhaps even likely, if the crisis in Ukraine is not resolved, yet the greatly enhanced connections between Russia and the West, basic consensus on free market capitalism, and disinclination toward direct confrontation of the past 25 years should exert a moderating influence on these tensions. Unfortunately, this mixed picture of US-Russia interaction carries both positive and negative implications for the OSCE, European security, and the global order.

On the positive side of the ledger, the enhanced mutual understanding achieved in the post-Cold War period, the absence of ideological conflict, and the considerable extent of shared interests all suggest that a foundation still exists for restoring some degree of balance and productivity to US-Russia interactions. It goes almost without saying that any "new normal" would have to address the Ukraine crisis head on, and probably would entail the adoption of a face-saving exit strategy for Russia from its current intervention, with

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13   Cf. Fyodor Lukyanov, *US-Russia Mideast cooperation in balance over Ukraine?* Al-Monitor, 5 March 2014, at: http://www.al-monitor.com/pulse/originals/2014/03/ukraine-middle-east-russia-syria-us.html.

14   "Russia's leaders want to be considered as the existential threat that the USSR was, a country the United States negotiated and compromised with, instead of chiding, sanctioning, and ignoring." Kofman, cited above (Note 4).

15   Glenn Kessler, Flashback: Obama's debate zinger on Romney's "1980s" foreign policy (video), in: *The Washington Post*, 20 March 2014, at: http://www.washingtonpost.com/blogs/fact-checker/wp/2014/03/20/flashback-obamas-debate-zinger-on-romneys-1980s-foreign-policy.

gradual easing of all but a handful of symbolic US and EU sanctions. While this would in no way erase the cleavages that have accrued over Ukraine, it could enable a return to limited pragmatic co-operation around areas of shared interest, including in the OSCE context.

Yet there is also a disturbing downside to the fact that US-Russia tensions today do not fully replicate those of the Cold War. Without the relentless ideological rivalry and near universal geopolitical confrontation between the nuclear superpowers of the Cold War, both Russians and Americans today lack the acute fear of a crisis spiralling out of control that, for half a century, acted as a brake on intentional or reckless escalation of conflict. In other words, even though Russia and the United States still have the capability to destroy one another and the world, the perceived stakes of US-Russia conflict may not be high enough for either side to feel pressured to make concessions to avoid escalation, much less to achieve a renewed and enduring consensus on European security.

The lower perceived stakes of US-Russia confrontation are not only a function of the relatively greater connectedness between Russian and American citizens, businesses, social groups, and others today. The perception also depends on individual experience. In the past quarter century, despite frequent disagreement on matters of regional security, trade, or, especially, human rights, Russia and the United States have not come close to the type of razor's edge crises and proxy conflicts that during the Cold War were a constant reminder of the danger of escalation. The Helsinki Process itself commenced in an atmosphere of détente that followed flashpoints in Berlin in 1948, Korea in 1950-53, Hungary in 1956, Cuba in 1962, Czechoslovakia in 1968, and Vietnam from the mid-1960s, each of which could have been the opening salvo of a wider confrontation.

By the 1970s, recognizing that regional or proxy conflicts in which US and Soviet interests clashed raised a serious risk of escalation to general nuclear conflict between the superpowers, the leaders in Washington and Moscow concluded that they had to accept a basic framework for coexistence and co-operation in which, though rivalry would continue, maximalist ambitions would be set aside in order to avoid a general catastrophe. Between some Soviet and US leaders, especially Henry Kissinger, Richard Nixon, and Ronald Reagan on the US side, and Leonid Brezhnev, Yuri Andropov, and Mikhail Gorbachev on the Soviet side, relatively stable working relationships developed, with occasionally even a positive personal rapport.

At the present time, personal relations between the US and Russian leadership are frosty at best. Even at the height of a "Reset" intended to improve US-Russia ties in 2009, President Obama referred to Vladimir Putin as a man with "one foot in the old ways of doing business",[16] while since the

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16   Chris McGreal/Luke Harding, Barack Obama: Putin has one foot in the past, in: *The Guardian*, 2 July 2009, at: http://www.theguardian.com/world/2009/jul/02/obama-putin-us-russia-relations.

outbreak of the Ukraine crisis, he has declared that Russia's President is be-
having in an uncivilized manner, or is "on the wrong side of history".[17]
Though more careful in his public pronouncements, Putin seems to harbour
no particular respect or affection for Obama.[18] Moreover, domestic political
pressures on both presidents now increasingly favour confrontation, and both
leaders correctly assess that to compromise with the other would open them
to accusations of weakness from political opponents, pundits, and the public
at large in both countries.

Is a New European Security Consensus Possible?

In light of these considerable constraints, is it possible for Russia and the
United States to achieve significant progress on shared security in the Euro-
Atlantic and Eurasian space?

As noted above, no major improvement in US-Russia engagement will
be possible without progress on the ongoing crisis in and around Ukraine.
Such progress would entail, at a minimum, a durable ceasefire to bring the
Donbas violence to a halt, with measures to prevent the sides from substan-
tially rearming or preparing for renewed hostilities in the future. As the
Minsk framework agreements have rightly concluded, the ceasefire must be
accompanied by an internal Ukrainian political process to restore Ukrainian
sovereignty and territorial integrity, while enshrining a special status for the
separatist regions that all sides can accept.[19]

Though a cessation of fighting and an internal political settlement in
Ukraine are urgently needed to defuse tensions, progress between Russia and
the West on the broader portfolio of Euro-Atlantic and Eurasian security will
also require a broader approach to resolving the regional conflict of which
Ukraine is a part. In that context, a framework for compromise might include
several key steps.

First, both Russia and the West could agree to a temporary moratorium
on competing integration projects in the post-Soviet space. The Baltic states
aside, no post-Soviet state has successfully managed such a transition without
serious political, economic, and security disjunction, while neither Western
nor Russian integration projects yet offer a credible perspective for compati-
bility or even coexistence that is essential for the region's long-term economic
success. Competition between European-oriented and Russian/Eurasian-
oriented economic, political, and security integration projects has had mixed

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17   Obama: Russia "on the wrong side of history", in: *The New York Post*, 3 March 2014, at:
     http://nypost.com/2014/03/03/obama-says-russia-is-on-the-wrong-side-of-history-in-
     ukraine.
18   Cf. Fiona Hill/Clifford Gaddy, *Mr. Putin: Operative in the Kremlin*, Washington, DC,
     2015, pp. 285-311.
19   Cf. *Ukraine ceasefire: The 12-point plan*, BBC, 9 February 2015, at: http://www.bbc.com/
     news/world-europe-29162903.

effects for individual post-Soviet economies, but has clearly driven worsening tension between Russia and the West, with disastrous consequences for the entire region.[20] A temporary halt to this geopolitical "land rush" would at least give governments in the region breathing room to prepare their populations and restructure their economies to better accommodate any future integration programme. At the same time, a pause would clear the table enough to permit a badly needed direct dialogue between Russia and the West.

The second key step to be addressed through such dialogue should be to restore and reaffirm the foundational idea that borders must be changed only by the mutual consent of the parent country and the regional population, and only by peaceful means. This mutual reaffirmation would implicitly acknowledge Russia's longstanding objection to NATO intervention in Yugoslavia and Kosovo's subsequent independence as an exception to the rule, but also recognize that Russia's seizure and annexation of Crimea was a clear violation, to which Ukraine and the West will maintain a standing objection. With a restored commitment from both sides, the outliers to a half-century of essentially stable and secure European borders can be treated more productively as disputed exceptions that do not negate the underlying rule, rather than the drivers of recrimination and worsening confrontation that they have become in recent years.

The third key step forward in a framework solution around the Ukraine crisis should be that foreign military forces are not deployed on another state's territory without that state's consent. Because so much dispute has surrounded the legitimacy of Russian deployments in the post-Soviet space over the past quarter century, including in south-eastern Ukraine, there is no doubt that Russia would have to offer a concrete gesture of reassurance to the United States, Europe, and its own neighbours that it still considers this to be a tenet of European security. The best opportunity for such a demonstration would be in the Donbas. Despite Ukrainian and Western assertions to the contrary, Russia still has not formally acknowledged that its soldiers are participating in an occupation of Ukrainian territory, yet it has agreed to support the terms of the Minsk ceasefire and disengagement of forces on both sides.[21] In the context of a general cessation of hostilities, Russia could support Ukraine's initiative for an international peacekeeping mission, in which it could also participate, with a mandate to include verifying the withdrawal of any foreign fighters from the region and sealing the Russia-Ukraine border.[22]

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20   Cf. David Cadier, Eurasian Economic Union and Eastern Partnership: the End of the EU-Russian *Entredeux*, in: *The Geopolitics of Eurasian Economic Integration*, LSE IDEAS Special Report, June 2014, pp. 60-65, at: http://www.lse.ac.uk/IDEAS/publications/reports/SR019. aspx.

21   Cf. Russia backs Ukraine peace deal but Kiev is blocking progress, says Putin, in: *The Guardian*, 6 June 2015, at: http://www.theguardian.com/world/2015/jun/06/russia-backs-ukraine-peace-deal-but-kiev-is-blocking-progress-says-putin.

22   Cf. Ukraine MPs pass law allowing international peacekeepers, *Ukraine Today TV*, 4 June 2015, at: http://uatoday.tv/news/ukraine-mps-pass-law-allowing-international-peacekeepers-into-country-432774.html.

None of these key principles could gain much traction in isolation. To foster such positive initiatives from either side would also require ongoing US and Russian participation in a serious dialogue on the larger problems of European, Euro-Atlantic, and Eurasian security. How might such a dialogue take place?

The best hope is likely a return to the original Helsinki principles, which were first negotiated by regional states in the context of a Cold War rivalry between blocs led by Moscow and Washington. Today, the United States, Europe, and Russia all share an interest in renewal of just such a dialogue, although what will not – indeed what must not – return is the Cold War "balance of terror" that exerted pressure on all sides to participate seriously in the original Helsinki Process. The motivation for a new regional security dialogue must instead come much more from Europe itself, where European states must also play a more central role commensurate with their enhanced capacity.

The United States will not be absent from this process. Yet, as the most powerful single global actor, Washington faces an unprecedented array of challenges ranging from defusing traditional and non-state conflicts in the Middle East and East Asia to managing the potentially cataclysmic impacts of global climate change and cyber or conventional attacks on critical infrastructure. As a consequence, the longstanding US call to its European allies and partners to shoulder a greater share of the burden in ensuring their own security is now heard with greater frequency and urgency, even as Washington rushes to provide reassurance to its NATO allies. Perhaps more importantly, Europe's ability to act in a co-ordinated fashion is also greater than ever, prodded along by the necessity of responding to the continuing Eurozone and Ukraine crises. Much has been made of Germany's growing comfort with the role of European hegemon, yet Berlin is very unlikely to depart from the pan-European infrastructure it has been so instrumental in erecting and in which it retains such a high financial and political stake.[23]

Despite official rhetoric defining Russia's unique Eurasian path and increasingly cosy ties between Moscow and Beijing, there is also no reason to believe that Russia will abandon its longstanding desire for an equal role at the top table in managing European security. The US, the EU, and NATO can be confident that if they are open to the resumption of a serious dialogue on regional security in a pan-European context, Russia will at least be certain to come to the table. Moreover, since Russia and various European economies have grown increasingly interdependent over the past quarter century, Russia and Europe should share the recognition that a faltering security order on the continent will deliver severe economic damage to all sides, which will in turn

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23 To give just one recent example: see: Matthew Holehouse/Christopher Williams, France and Germany behind plans for "common EU corporation tax", in: *The Telegraph*, 26 May 2015, at: http://www.telegraph.co.uk/news/worldnews/europe/eu/11630468/France-and-Germany-behind-plans-for-common-EU-corporation-tax.html.

exacerbate destabilizing trends at the extreme ends of both Russian and European politics.

A renewed Helsinki-type dialogue on European, Euro-Atlantic, and Eurasian security must certainly be inclusive, with formal representation for every regional state as well as others with compelling interests in the region, such as major trading partners and international organizations. However, in practical terms, the process must also acknowledge the changed reality of regional blocs today, including both the European Union and NATO, on the one hand, and the Eurasian Union, the Collective Security Treaty Organization, and even the Shanghai Cooperation Organisation, on the other. The point of this "big-tent" approach is not to drown difficult regional problems in a platitudinous international alphabet soup, but rather to ensure that the dialogue aims at solutions that can actually work against the backdrop of the region's more significant integration projects and its interconnections with the wider world.

Despite its outsized power relative to any other individual regional state, the US would be well advised not to cast a giant shadow over this renewed dialogue. For one thing, Russia must be confronted with the full significance of its current alienation from most of Europe, and overbearing US leadership would undoubtedly distract from that message. More importantly, if Washington hopes for a durable consensus to emerge, it should be prepared to let Europeans lead the process, and to lend its support, even if some compromises do not fully conform to its own values in all instances. The most important US role will be to underscore the continuing strength of collective security so that NATO allies, EU member states, and other partners in the region can be fully confident, rather than fearful, in pursuing a comprehensive settlement that respects Russian interests as well as their own.

Lastly, in addition to seeking consensus at the political level, the state-to-state dialogue should foster and endorse an ongoing process of direct dialogue among civil societies within and around Europe. Such a dialogue is now badly needed to begin to address the deficits of trust and goodwill among ordinary citizens throughout Europe, but especially in the East, where Russians and Ukrainians, Poles, Balts, and others are resurrecting rhetoric and imagery from the most poisonous chapters of their shared history.[24] Without a robust European security consensus, reconciliation between and within societies will not take place; but without a civil society dialogue aimed at reconciliation, no security arrangement can long endure.

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24   See, e.g. Will Englund, In Russia, a Soviet revival grips leadership, in: *The Washington Post*, 22 April 2014, at: https://www.washingtonpost.com/world/europe/in-russia-a-soviet-revival-grips-leadership/2014/04/22/68505fc1-5d3d-49b7-a42b-fff2ed79716a_story.html; and Jared McBride, How Ukraine's New Memory Commissar Is Controlling the Nation's Past, in: *The Nation*, 13 August 2015, at: http://www.thenation.com/article/how-ukraines-new-memory-commissar-is-controlling-the-nations-past.

As the fourth decade since the Helsinki Final Act draws to a close, it is clearly past time to begin the inclusive, multi-level dialogue envisioned above. It would be overly optimistic to presume that a renewed security consensus on the Helsinki model could be quickly achieved, nor would the dialogue itself need to conform neatly to any particular timetable. Yet the crisis in and around Ukraine today provides an incentive for urgent action to prevent an even greater catastrophe, which can spur governments and private actors to undertake difficult steps they might otherwise have avoided or delayed.

While immediate steps must be taken to prevent further violence in Ukraine, and others must follow to enshrine a longer-lasting political compromise, no settlement can be complete without attention to the worsening region-wide tensions between Russia and the West. The best forum for such attention would be a renewal of the type of process that produced the original Helsinki Final Act at the height of the Cold War. Relations between Moscow and Washington have reached a low point reminiscent of that period in some respects, yet the perceived risks of the current confrontation by themselves are not sufficient motivation for the US and Russia to be the driving forces for dialogue. Rather, with support from Washington, Europe must play the leading role, building on its enhanced unity and capacity as it emerges from the existential political and economic crises it has faced over the past several years.

The 40th anniversary of the Helsinki Final Act comes at yet another moment of acute crisis for Europe, and it raises the question of whether the community of European, Euro-Atlantic, and Eurasian states is prepared to step up to such a weighty challenge. For now, the answer is not clear, but it is not unreasonable to hope that by the next major Helsinki anniversary, this community will have revived and restored a strong consensus on European security that can endure for at least another half century or more. By the time of that more distant future, perhaps the vision of a global order that assures peace, human security, and prosperity will be more than the hopeful abstraction it remains today.

Mikhail Troitskiy

Russia and the West in the European Security Architecture: Clash of Interests or a Security Dilemma?

Russia's approach towards relations with Ukraine since early 2014 heralds a major shift in Russian foreign policy. It has crossed a Rubicon that it will be difficult – though not impossible – to uncross. Indeed, Russian officials have themselves stated on more than one occasion that Russia's relationship with Europe and the United States has undergone an irreversible change and will not come back to the pre-2014 status quo.[1]

Are we looking at a largely inadvertent escalation sparked by each side misreading the other's intentions, or does the conflict in and around Ukraine result from a clash of interests, with each side determined to win and prepared to pay the necessary price? This is not an idle question. Our response has profound implications for the process of conflict resolution – both within Ukraine and between Russia and the West. A security dilemma type of conflict can usually be resolved by confidence-building measures. In such cases, the contradictions are usually not difficult to overcome. In contrast to that, reconciling opposed interests requires a substantive bargain. In the absence of such a bargain, the balance of forces will need to change in order for the controversy to subside. Before that happens, recurrent spikes of tension are to be expected, at times resulting in open hostilities.

Security Dilemmas

The notion of a security dilemma has been conceptualized in three main ways. The first – an "arms race" – occurs when one actor (for example, a state) seeks to enhance its security by building up capabilities that it considers defensive, but its counterpart (another state) reciprocates because it finds it difficult to verify the defensive nature of the first actor's deployments. That happens either because the military capabilities deployed by the first actor may be used not only for defence, but also for offence, and/or because there may be no way for the first actor to convince its counterpart of its non-aggressive intentions. If the second actor responds by enhancing its capabilities, the first might feel obliged to up the ante out of concerns with the

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1 Cf., for example, The Ministry of Foreign Affairs of the Russian Federation, *Remarks by Russian Foreign Minister Sergey Lavrov at the XXII Assembly of the Council on Foreign and Defence Policy*, Moscow, 22 November 2014, at: http://www.mid.ru/bdomp/brp_4. nsf/e78a48070f128a7b43256999005bcbb3/24454a08d48f695ec3257d9a004ba32e.

second actor's intentions, and so on. The resulting spiral dynamic then takes the form of an arms race.[2]

A second way of thinking about a security dilemma is to consider the escalation of tensions in an ongoing conflict that neither side wants to turn into war, but is nevertheless prepared to fight if it sees no other way to defend itself. Once preparations for possible – even if unwanted – war have reached a certain threshold, and the sides have exhausted all means to secure an advantage short of a direct attack, the firing of a first shot largely becomes a matter of accident. One of the sides feels compelled to start armed hostilities in order not to find itself in a potentially losing position. The sequence of events that led to the outbreak of the Russo-Georgian war of 2008 has been persuasively described in terms of this second type of security dilemma.[3]

A third type of security dilemma has to do with the expansion of military or trade blocs. If a country (especially a great power) faces an expanding alliance that it has no chance of joining, it may be tempted to put up resistance by arranging for its "own" opposing bloc. This may lead to the creation of two structures prone to unnecessary competition at best and confrontation at worst. Especially dangerous is of course a situation in which the two blocs engage in an arms race or a military escalation.[4]

While Russia's currently declared foreign policy interests may be clashing with those of NATO and the European Union, the short-term dynamic in their interaction on Ukraine is more characteristic of a security dilemma. This concerns, in particular, the risks of escalation of the armed conflict in eastern Ukraine. Even more fundamentally, a slight alteration of Russia's, NATO's, and the EU's official positions regarding their interests (settling for second-best options) could turn the conflict – a largely inadvertent and avoidable brawl – into a security dilemma. It follows that, in the disagreement between Russia and the West over European security issues, we are likely dealing with a clash of interests that can be transformed into a security dilemma and then resolved through confidence-building measures.

In the following sections, I offer a perspective on the rationale behind Russia's approach to European security and integration, discuss the actions that Moscow has been undertaking over the last two years in pursuit of its goals, make several predictions about the future course of events, and discuss the role that the OSCE could play in these scenarios. The overarching question in this contribution is whether peace and stability can be restored in Europe through relatively low-profile confidence-building negotiations and other measures of the kind that are typically required to overcome security

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2   For a seminal work on the concept of a security dilemma cf.: Robert Jervis, Cooperation Under the Security Dilemma, in: *World Politics* 2/1978, pp. 167-214.
3   Cf., for example, Cory Welt, The Thawing of a Frozen Conflict: The Internal Security Dilemma and the 2004 Prelude to the Russo-Georgian War, in: *Europe-Asia Studies* 1/2010, pp. 63-97.
4   Cf. Samuel Charap/Mikhail Troitskiy, Russia, the West and the Integration Dilemma, in: *Survival* 6/2013-2014, pp. 49-62.

dilemmas (and which the OSCE is especially good at) or whether a more substantive and therefore difficult readjustment is necessary to address a fundamental clash of interests among the key players.

Underlying Motives

Policy analysis offers no definitive methodology for establishing anyone's motives with full certainty. Yet one can build a plausible model of Russian interests by identifying recurrent ideas and patterns in public statements by top Russian officials. Several factors having to do with both Russia's external relations and domestic politics come together to shape the core of Russia's approach to European security.

The first and most fundamental factor is the popularity among Russia's top decision makers of an offensive realist perspective on international relations and security. This perspective postulates an unstoppable struggle for survival and dominance among world's major powers. A player in that game can only feel secure after all others have been decisively weakened or – better yet – defeated. According to this view of international relations, such struggle is an inherent and inescapable characteristic of interactions in the global arena, because assurances that states could give one another of their non-aggressive intentions cannot be verified and – therefore – trusted. In one of his high-profile public appearances, Russian President Vladimir Putin claimed in December 2014 that the West would have tried to undermine Russia even in the absence of the Crimea conflict, which had been cited by the West as the cause of its sanctions against Russia. Putin specifically referred to Russia's nuclear deterrent as the "bear's claws" and maintained that the West sought to "tear out [the bear's] teeth and claws" (that is, neutralize its nuclear arsenal), leaving a bear that would be no use for anything, except perhaps stuffing.[5] Putin implied, and his close ally, Duma Chairman Sergey Naryshkin, explicitly argued, that the ultimate motive of the West was to seize control over Russia's vast natural resources.[6]

Such a worldview – especially the conviction that one's real or imagined opponents are not amenable to compromise and will press ahead with their destructive goals regardless of one's own behaviour – is clearly in accord with offensive realism. As a school of thought, offensive realism does not leave room for a security dilemma, as there supposedly is no way for the actors involved to signal benign intentions. Therefore, the only possible way for Russia to protect its vital interests is to prevent – or at times pre-empt –

5   President of Russia, *News conference of Vladimir Putin*, Moscow, 18 December 2014, at: http://en.kremlin.ru/events/president/news/47250.

6   Sergei Naryshkin, Instinkty kolonizatorov, ili podopleka globalnogo liderstva [Colonizers' Instincts, or the Background of Global Leadership], in: *Vedomosti*, 13 April 2015, http://www.vedomosti.ru/opinion/articles/2015/04/14/instinkti-kolonizatorov-ili-podopleka-globalnogo-liderstva.

adversarial moves by undertaking forceful action before the threat becomes imminent. According to President Putin, in the case of Crimea, the only option available to Russia to make sure NATO forces would not be deploying on the peninsula soon after the February 2014 change of government in Kyiv was to take over Crimea. The problem with the offensive realist approach, however, is that it can easily deplete a country's resources by seeking to overpower any thinkable threat to its interests. Indeed, there have been few, if any, attempts to set clear boundaries for Russian vital interests.

Another deep-seated concern of Russia's has long been NATO's edge in military technology. NATO's high-precision weapons and missile defence systems have been especially worrisome for Moscow, as have NATO military deployments close to Russia's borders.[7] Russia has considered its nuclear deterrent insufficiently reliable in the face of advanced combinations of non-nuclear strategic arsenals and strategic missile defence. Some long-term observers of Russia's military posture have suggested that such concerns stem from the traditional Soviet and Russian fear of a decapitating strike.[8] From such a perspective, high-precision conventional arms can be seen as a convenient instrument for surprise "surgical" decapitation, once escalation has gone beyond conventional armed confrontation, but has still not reached the level justifying a first nuclear strike. Apparently dismayed at the lack of willingness on the part of the United States and NATO to heed Russia's concerns, the Kremlin started to look for leverage that would force the West, and especially the United States, to negotiate restrictions on the further development of advanced weapons technologies with their potential to affect the military balance between Russia and NATO.

Finally, over the past several years (since the wave of street protests in Russia against fraudulent elections in late 2011 and early 2012), the Kremlin has been looking for sources of domestic mobilization in support of the incumbent authorities. The need for such mobilization has become particularly acute in the face of slowing economic growth (registered well before the Western sanctions were introduced in 2014) and then a full-blown recession (after oil prices began to fall) as well as fears of externally orchestrated attempts to delegitimize or overthrow governments that the United States may consider undesirable. The Kremlin has argued that an integrated set of instruments is being deployed against the Russian government by the West: from attempting to undermine Russia's nuclear deterrent, via discrediting the country's leadership and destroying its morale through seemingly lawful yet subversive NGO activity, to preparing and covertly supporting the leaders of

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7   For a more detailed discussion of Russia's grievances, cf.: Mikhail Troitskiy, BRICS Approaches to Security Multilateralism, in: *Air and Space Power Journal – Africa & Francophonie* Summer 2015, pp. 76-88, also available at: http://www.au.af.mil/au/afri/aspj/apjinternational/aspj f/Archives.asp.

8   For an incisive analysis of possible Russian fears in this field cf.: Jeffrey Lewis, Bar Nunn, in: *Foreign Policy*, 17 October 2012, at: http://foreignpolicy.com/2012/10/17/bar-nunn.

protest movements.[9] If, from the perspective of Russian policy-makers, the United States is not amenable to compromise in that field, the only way to deal with the challenge posed by Washington would be to undermine the US's global influence and to weaken NATO by dividing it. That would be a natural offensive-realist response to the US's unfriendly presence in Russia's Eurasian neighbourhood.

The above considerations served as a backdrop to the Kremlin's decision-making vis-à-vis Ukraine in late 2013 and early 2014. However, they in no way predetermined the dramatic choices that were made by the Russian leaders. A number of second-tier, more tactical, interconnected motives lurked behind the Russian foreign policy watershed of 2014.

First, Moscow sought to assert its "special" security and economic interests in Russia's immediate neighbourhood. It was important for the Kremlin to demonstrate the resolve to prevent the admission of Russia's neighbours into NATO or the establishment of unwanted foreign military bases on its neighbours' territory. President Putin repeatedly complained about NATO's (and the United States') unwillingness to hear Russia's arguments against enlargement. Moscow spent a significant amount of diplomatic resources on making sure that Ukraine forswore the option of joining NATO by means of a law adopted in July 2010. When taking over Crimea in February 2014, Putin acknowledged that he had acted out of concern at the possible eviction of Russia from its naval base in Sevastopol by the new Ukrainian authorities and its subsequently being offered for the use of NATO countries' navies.[10]

As a means to increase Russia's bargaining power vis-à-vis the EU and NATO, Moscow has pursued integration with a group of post-Soviet countries since at least the middle of the 2000s.[11] The Russian leadership firmly believes that trade and other negotiations carried out between the EU and a Eurasian economic community will give Russia more leverage and room for manoeuvre than if such negotiations were carried out bilaterally between Russia and the EU. According to this logic, if Russia perceives its efforts to

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9   Cf., for example, the interview Russia's highest-ranking national security official, Nikolai Patrushev, gave to the Russian government's daily newspaper: Ivan Yegorov, Kto upravlyaet khaosom? [Who Rules the Chaos?], in: *Rossiiskaya Gazeta*, 10 February 2015, at: http://www.rg.ru/2015/02/11/patrushev.html.

10   Cf. President of Russia, *Seliger 2014 National Youth Forum,* 29 August 2014, at: http://en.kremlin.ru/events/president/news/46507; cf. Also statements made by Russian officials in the documentary, *Krym. Put na Rodinu. Dokumentalnyi film Andreya Kondrashova* [Crimea: Homeward Bound. Documentary Film by Andrei Kondrashov], Rossiya 24, 15 March 2015, at: http://www.youtube.com/watch?v=t42-71RpRgI.

11   One of the most outspoken, if somewhat colloquial, statements indicating President Putin's commitment to regional economic integration was made by him during his first presidential term in a meeting with the students and faculty of Kyiv University on 28 January 2003: "Europe has a common currency, a common space. They are profiting from being each others' neighbours much more than us. Excuse my language, but meanwhile we are chewing snot…" Quoted in: "*A my, izvinite, vse sopli zhuem…*" ["Excuse me, but we are all chewing snot"], Gazeta.Ru, 28 January 2003, at: http://www.gazeta.ru/2003/01/28/amyizvinitev.shtml.

expand its bloc to be obstructed by rival organizations, a vigorous response is necessary. Samuel Charap and I have suggested calling this dynamic an "integration dilemma" – a version of a security dilemma whereby mutually exclusive trade or defence blocs find themselves locked in a generally avoidable tug-of-war over members and allies.[12]

Over the past decade, Russian leaders have regularly complained that their proposals (called a "grand bargain" by some Russian and European experts and politicians) for a comprehensive partnership with the EU were being consistently turned down by Brussels.[13] At times, Moscow has hinted about the presumed role of the United States in thwarting such projects as well as other Kremlin initiatives, such as the detailed roadmap to settle the Transdniestria conflict, also known as the Kozak Memorandum. More recently, Moscow felt sidelined while the agreement on Ukraine's association with the European Union was being finalized in 2013.[14] The Kremlin claimed that Russia's economic interests would be negatively affected and demanded trilateral (EU-Ukraine-Russia) consultations on the association agreement, but this was rejected by both Brussels and Kyiv until after the agreement between them was signed and its start date was determined.

Several other short-term developments have also been discussed as possible triggers for Russia's reaction to the victory of the Euromaidan movement in Kyiv in February 2014. Their actual role in driving the Kremlin's decisions is almost impossible to verify or measure. It is however worth mentioning that Russian leaders repeatedly expressed frustration with the critical international media coverage of the February 2014 Winter Olympic Games in Sochi. President Putin's view of the West as a force immutably hostile to Russia and seeking to undermine any meaningful Russian initiative could have been vindicated by Western reactions to the Sochi Olympics.

The Kremlin's public campaign against "violent externally orchestrated coups", which are allegedly aimed at unseating governments unfriendly to the United States, suggests that Russia may have had an interest in proving that such coups are doomed to fail. Indeed, one of Moscow's core arguments in support of the legitimacy of the 16 March 2014 secession referendum in Crimea was that the "self-appointed" post-Yanukovych government in Kyiv lacked the authority to stop the referendum, which could only be conducted with the consent of the central government, according to Ukrainian law. The pressure applied on the post-revolutionary government in Kyiv on various fronts came in contrast to the extension of a 15 billion US dollar Russian credit line to the Yanukovych government just weeks before it was ousted.

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12   Cf. Charap/Troitskiy, cited above (Note 4), p. 52.
13   Cf., for example, this article by a veteran Russian foreign policy expert: Sergey Karaganov, Europe: A Defeat at the Hands of Victory?], in: *Russia in Global Affairs*, 19 March 2015, at: http://eng.globalaffairs.ru/number/Europe-A-Defeat-at-the-Hands-of-Victory-17361.
14   Cf. President of Russia, *St Petersburg International Economic Forum*, St Petersburg, 23 May 2014, at: http://en.kremlin.ru/events/president/news/21080.

Between February and May 2014 (when a new president was elected in Ukraine), Moscow accused the new Ukrainian authorities of extreme nationalist tendencies, while virtually ignoring the government in Kyiv.

Strategic Outcomes

Whatever Russia's calculus in the Ukraine crisis may have been, its actions will have long-term implications for European and global security. Overcoming them will be more difficult than dealing with the consequences of the Russo-Georgian war of August 2008.

Most importantly, from the perspective of other nations, uncertainty about Russia's intentions has increased significantly. In the aftermath of the August 2008 conflict, a number of influential experts and politicians in the West suggested that Russia's territorial ambitions in post-Soviet Eurasia would not extend beyond recognition of the two breakaway republics in the South Caucasus. These suggestions and the predictions that followed from them were starkly disproved in early 2014. As a result, mutual signalling of benign intentions between Russia and the members of the EU and NATO became difficult, and contingency planning for cases of quick escalation flourished. Even the security risks that had been previously considered limited in scope and potential consequences were being factored into post-2014 analyses as possible triggers of catastrophic scenarios. Discussion began in NATO on the need to return to nuclear brinkmanship as one of the means to deter Russia from encroaching on the sovereignty of NATO members – a scenario that was still considered far-fetched, but no longer science fiction.[15] The failure of efforts to revitalize the Treaty on Conventional Forces in Europe (CFE Treaty) was especially unhelpful, as tensions were rising around Russian military deployments and manoeuvres in the regions bordering Ukraine.

The Ukraine crisis also triggered a new stage in the discussion of whether and how nuclear weapons can convert into political influence. Moscow tried to spark a debate about the relevance of its nuclear posture to the situation around Ukraine. It was commonly believed that nuclear weapons can only be used by Russia to stop a massive attack on its own territory and – in certain cases – that of its close military allies, such as Belarus.[16] However, according to a more expansive and alarmist interpretation of Russia's nuclear

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15 Cf., for example, Elbridge Colby, NATO Needs a Nuclear Strategy Update, in: *The Wall Street Journal*, 27 May 2015, at: http://www.wsj.com/articles/nato-needs-a-nuclear-strategy-update-1432751143.

16 For an interpretation of Russia's new December 2014 military doctrine by an influential RAND analyst, cf.: Olga Oliker, Russia's new military doctrine: Same as the old doctrine, mostly, in: Monkey Cage, *The Washington Post*, 15 January 2015, at: http://www.washingtonpost.com/blogs/monkey-cage/wp/2015/01/15/russias-new-military-doctrine-same-as-the-old-doctrine-mostly.

doctrine, Moscow could engage in "de-escalatory" nuclear strikes in conflicts that unfold beyond Russia's homeland and do not threaten Russia's survival.[17] The risk of such a conflict between the United States or NATO and Russia being triggered in or around Ukraine became a highly contested topic in publications by Russian and American experts alike.[18]

In a bid to discourage other nations and alliances from encroaching on Russia's newly defined "zones of interest", Moscow seemed to be prepared for more brinkmanship than had been seen since the end of the Cold War. The Kremlin tried to convince the United States and its allies in Europe and Asia that Russia's resolve to achieve its foreign policy and security goals was greater than that of the states and alliances denouncing Moscow's policies. Some of the arguments focused personally on President Putin, whose commitment to achieving goals that he saw as morally justified was claimed by some analysts to be extremely strong.[19] Such rhetoric clearly pointed to the existence of a fundamental conflict between Russia and the West – as opposed to an inadvertent security dilemma.

Russia's demonstrations of resolve were complemented by new statements of the country's interests and goals. Most notably, a concept of the "Russian world" was floated by the Kremlin to back up the credibility of Russia's new foreign policy manoeuvres.[20] President Putin suggested that the geographic space populated by ethnic Russians meant much more to Russia than to the United States or the European Union. Therefore, Moscow was supposedly prepared to undertake much greater risks to secure its interests in the Russian world than other actors would be to prevent Russia from doing so.

However, the strength of Russia's commitment to the protection of the "Russian world" appeared questionable, because this term had been conspicuously absent from Russian official discourse before 2014. It was not invoked even in situations when the rights of Russian citizens or "compatriots" in the former Soviet republics were openly infringed by these countries' governments. Talk of the "Russian world" reached a climax in late 2014 and then subsided in 2015 at the time when pro-Russian activists in eastern Ukraine announced the suspension of the initiative for the region to secede from Ukraine and claim recognition under the name of *Novorossiya* (New Russia).

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17   Cf., for example: Matthew Kroenig, Facing Reality: Getting NATO Ready for a New Cold War, in: *Survival*, 1/2015, pp. 49-70.

18   Cf. Mikhail Sokolov, *Putin sdast Donbass?* [Will Putin Abandon Donbass?], A discussion with Dmitri Trenin, Yuri Felshtinskii, and Alexei Ryabchin, Radio Svoboda, 14 May 2015, at: http://www.svoboda.org/content/transcript/27015987.html; Graham Allison/Dimitri K. Simes, Russia and America: Stumbling to War, in: *The National Interest*, 20 April 2015, at: http://nationalinterest.org/feature/russia-america-stumbling-war-12662.

19   Cf., for instance, the interview given by Moscow Carnegie Center Director Dmitri Trenin to the popular "Pozner" show on Russian broadcaster 1tv: *Gost Dmitri Trenin. Pozner. Vypusk ot 13.04.2015* [Guest: Dmitri Trenin. Pozner. Published on 13 April 2015], at: http://www.1tv.ru/video_archive/projects/pozner/p91614.

20   Cf. Igor Zevelev, The Russian World Boundaries, in: *Russia in Global Affairs*, 7 June 2014, at: http://eng.globalaffairs.ru/number/The-Russian-World-Boundaries-16707.

In another major foreign policy bid, Russia sought to upgrade its ties with non-Western (mostly developing) countries. This was done in search for alternative sources of financial capital and technologies that the West refused to supply to Russia in the wake of the Ukraine crisis and in order to catalyse concerted resistance to the West by members of the BRICS group and other non-aligned nations. The Kremlin considers the Western-centric world as a threat not only to Russia's interests, but to its very survival.[21] Soon after the ousting of President Yanukovych in February 2014, Russian diplomats set out to warn their counterparts across the globe about the strategy of changing unfriendly regimes allegedly practiced by the United States and the need jointly to stand up to such actions.[22]

A core element of this balancing strategy was Russia's outreach to China and attempts to frame Russo-Chinese relations as an emerging alliance. While Russia's interactions with China and other BRICS nations did intensify in various forms by mid-2015,[23] a fully fledged anti-US coalition failed to materialize – primarily because none of other BRICS nations shared Moscow's virulent anti-Americanism, but rather sought to use their expanding economic ties with the West to advance their economic development agenda.[24]

Transforming the Clash?

Moscow has complained about alleged Western plans to bring about regime change and shifts of foreign policy orientation in Russia and its post-Soviet neighbours. In response, Moscow has sought to demonstrate that it will not shun from undertaking drastic measures to prevent that from happening. While Russia cannot aspire to control over the foreign policies of former Soviet republics, it definitely seeks an implicitly recognized mandate to coordinate approaches to post-Soviet Eurasian states with major centres of power – primarily the United States, the European Union, and China.

For its part, China may be ready to honour Russia's demands. Beijing has most likely agreed not to seek direct influence on the foreign policies of Central Asian republics along China's western border. Beijing prioritizes

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21   Cf., for example, President of Russia, *Direct Line with Vladimir Putin*, Moscow, 16 April 2015, at: http://en.kremlin.ru/events/president/news/49261.

22   Cf., for example, the intervention of Anatoly Antonov, Deputy Minister of Defence of the Russian Federation, at the IISS Shangri-La Dialogue in 2014: IISS, The IISS Shangri-La Dialogue, 14th Asia Security Summit, *Major Power Perspectives on Peace and Security in the Asia-Pacific: Anatoly Antonov, Deputy Minister of Defence, Russia*, Singapore, 1 June 2014, at: https://www.iiss.org/en/events/shangri%20la%20dialogue/archive/2014-c20c/plenary-4-a239/anatoly-antonov-c9d2.

23   For a chronology of recent events in Russo-Chinese relations, cf.: Yu Bin, China-Russia Relations: All Still Quiet in the East, in: *Comparative Connections*, May 2015, at: http://csis.org/files/publication/1501qchina_russia.pdf.

24   Cf. Troitskiy, cited above (Note 7).

commercially viable projects with these nations in extraction and transportation of hydrocarbons and has also collaborated in upgrading their infrastructure to facilitate transit from China to Europe across Eurasia.[25] Moscow remains comfortable (possibly nearsightedly) with this approach, because China has so far refrained from trying to directly influence government appointments or criticizing the nature of political institutions and regimes in Central Asian states.

In contrast to the Chinese approach, the European Union and the United States have attempted to change a number of deeply institutionalized policies and practices in post-Soviet republics, such as their approach to European integration and Euro-Atlantic security. While often divisive for societies such as Ukraine, Belarus, or Armenia, the goals of bridging the gaps in prosperity and effectiveness of the armed forces between post-Soviet nations and those of Europe and North America are becoming increasingly attractive across post-Soviet Eurasia. At the same time, the Russian government has never considered joining the EU or NATO to be a realistic option – both because of the tremendous amount of reform that would be required to meet the membership criteria and the unlikelihood of EU and NATO members being willing to agree to Russia's accession in the foreseeable future.

A bigger problem for Russia, however, is that while Moscow's staying power in Russia's neighbourhood remains strong, the majority of post-Soviet Eurasian countries consistently refuse to take orders or even recommendations from Moscow on positioning in regional and global affairs. Such key states as Georgia, Azerbaijan, Uzbekistan, and even Kazakhstan are pursuing close relations simultaneously with several major powers in their respective regions and across the globe. Even Armenia and Belarus would likely do the same if circumstances became ripe for ending their isolation within the region and from the West.

In its turn, NATO fears a credibility crisis if doubt is cast on the Alliance's "open doors" policy. This policy does not directly promise, but clearly implies a degree of automaticity. NATO cannot afford persistently to turn down, on political grounds, membership applications from aspiring – and seemingly qualified – members. The unwillingness of certain Alliance members to see a candidate country being admitted into NATO could raise serious questions about the cohesiveness of the Alliance as well as its commitment to embody and protect the Euro-Atlantic community of liberal democracies. Indeed, while France and Germany were said to have objected to granting a NATO Membership Action Plan to Georgia and Ukraine at the April 2008 NATO summit in Bucharest, Berlin and Paris ultimately agreed to the summit's final declaration promising that these two candidate countries "will become members of NATO" – albeit at an unspecified future time. The room

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25   Cf., for example Alexander Gabuev, Smiles and Waves: What Xi Jinping Took Away from Moscow, *Carnegie Moscow*, 29 May 2015, at: http://carnegie.ru/eurasiaoutlook/?fa= 60248.

for manoeuvre in delaying the prospect of key aspiring nations to be accepted into NATO's fold is limited. The tension surrounding bloc membership can be interpreted as a clash of interests whereby each side is determined to have its way even if this requires it to pay a significant price: While NATO seeks to retain full freedom of action to pursue its enlargement policy, Russia aims to prevent accession of more neighbours into the Alliance.

Overall, the web of persistent contradictions between Russia and the West on Eurasian security issues, which has "thickened" since the onset of the Ukraine crisis, can reasonably be regarded more as a clash of interests than an inadvertent escalation.

However, it may still be possible to transform this unavoidable strategic impasse into a security dilemma that lends itself to negotiation and resolution. The key enabler of such transformation is Russia's apparent uncertainty about its ultimate goals both vis-à-vis Ukraine and the European security architecture in general. Some commentators have called such an approach "opportunistic".[26] Russia's view of what it wants to achieve is flexible and depends to a significant extent on both the reactions of other actors and on accidental developments. Russia's uncertainty creates an opportunity for a mix of status-focused discussions and persuasion that could help Moscow and its opponents to redefine their aspirations in a way that would make them compatible and avoid a clash.

In order to achieve that goal, a mutually binding agreement – likely a non-starter for NATO – might not be necessary. Instead, two unilateral declarations of commitment to certain principles may be sufficient. The Alliance could state that all its enlargement decisions will be driven exclusively by security considerations – which would mean that only candidates that provide a net positive contribution to NATO's security will qualify for accession. For understandable reasons, discussion of the candidates' admission prospects cannot be fully open. However, a degree of transparency would be necessary for NATO to demonstrate that it did not need to take up every membership application for fear that failing to do so would cause unaffordable damage to the Alliance's credibility.

For its part, Russia could promise not to apply pressure to or sanction in any other way the countries that NATO would be ready to accept on the grounds of their adding net value to the Alliance's security. While Moscow cannot be prevented from trying to talk its neighbours out of NATO membership, all sorts of threats or subversive activities vis-à-vis successful candidates should be forsworn.

The proposed mutual commitments may prove sufficient to overcome the integration dilemma arising from attempts to build and/or expand rival blocs in Eurasia. The logic is simple: If Russia agrees not to intimidate its

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26   Cf., for example, Ilan Berman, The Economics of Deterring Russia, in: *The National Interest*, 22 May 2015, at: http://nationalinterest.org/feature/the-economics-deterring-russia-12945.

concerned neighbours, but rather to reassure them, NATO will have less reason to regard their accession as beneficial from the viewpoint of regional security. Moscow will not receive the right of veto over NATO enlargement decisions, and yet those decisions will be made according to understandable and transparent criteria from the perspective of a defence bloc. While conflict around "high-profile" cases such as Ukraine may not go away, an important step towards breaking out of the integration dilemma would be made. Such an outcome is strongly preferable to the continued clash over loyalties across Eurasia, which currently involves Russia, NATO, the EU, and the United States, but in not so distant future will also include China and other rising powers.

In a similar vein, an integration dilemma arising from the EU's eastward enlargement may be mitigated by an agreement to hold trilateral consultations involving the EU, Russia, and the countries contemplating "deep and comprehensive" economic partnership with the European Union. Trilateral talks on the issues arising from the EU-Ukraine Association Agreement were conducted throughout 2015. At a certain point in these negotiations, in May 2015, the Russian representative announced that Moscow had no further objections to the entry into force of the EU-Ukraine Association Agreement on 1 January 2016, although the Kremlin eventually decided to suspend its free trade regime with Ukraine from that date. These talks and the interim solution reached came in stark contrast to the refusal of the signing parties to discuss the terms of the agreement with Russia as it was being prepared for signing in 2013.

If, in reality, Moscow's ambitions extend beyond receiving adequate guarantees that the expansion of NATO is not aimed at containing Russia, or if the Western security and economic blocs are reluctant to discuss their relations with third parties with any outsider, the sides will stay on a collision course and will continue to be prepared to spend significant resources and take serious risks to prevail in a clash. However, if Russia, NATO, and the EU are capable of limiting their ambitions and signalling benign intent, the current conflicts can be mitigated without deep institutionalization or formal agreements, which are usually difficult to pull off. Moscow may have the longest road to travel towards its partners, given the credibility crisis triggered by Russia's policies vis-à-vis Ukraine since late 2013.

Once the sides make initial steps to break out of their security dilemmas, the OSCE may find itself in a good position to convene a high level panel of government officials or "wise persons" to advise on further confidence-building measures. The future status of Crimea may be another key issue on which the OSCE could facilitate a frank discussion and development of recommendations. The agreement of the OSCE participating States to use the Organization's good offices for that purpose should lead to acceptance of the binding character of the recommendations.

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As the pan-European institution with the greatest experience of monitoring missions and mediation, the OSCE will also find important roles to play in the coming years on a more ad hoc basis. Its monitors will be in high demand by parties to conflicts across Eurasia – first and foremost, in eastern Ukraine, where the separatist conflict is still awaiting final settlement. The OSCE should not miss any opportunity to support democratization in its participating States in Eastern Europe and the South Caucasus by sending missions to monitor elections. That function will be indispensable where states make rapid transitions to pluralist democracy, as the legitimacy of the new freely elected governments will need to be internationally confirmed.

Conclusion

When discussing the ways out of the current European security limbo, we should remember that reassurance did work well in Russia's policy vis-à-vis Europe – Eastern, Southern, and Western – over more than a decade between 2000 and 2013 – before the controversy around Ukraine broke out into open conflict. Over that period, Moscow secured support – or at least understanding – among sizeable EU and US constituencies interested in continued dialogue and the expansion of business relations. Yet some of the traction that the Kremlin's ideas were getting in the EU raised concerns among EU and member-state officials. Opposition by nations such as Greece, Italy, Cyprus, and Hungary to EU sanctions against Russia in 2014-15 was clear evidence of that accumulated influence. Yet this accumulated capital was undercut by Russia's heavy-handed actions in Ukraine.

However, Moscow's interests extended beyond routine business engagement with the Euro-Atlantic community of nations. Russia aspired to high-level recognition of its role in European security, and deliberately chose to sacrifice sizable economic benefits. This resulted in both sides prioritizing uncertainty over reassurance in designing their military postures, operational planning, and – most importantly – thinking about the desired end-state of the European security landscape. Claiming that an "undeclared war" had long been waged against Russia to hobble its independent foreign policy, Moscow decided to increase its credibility through brinkmanship in both conventional and nuclear postures and policies. NATO responded in kind, with both sides facing a crisis of confidence extending far beyond the acute disagreement over Ukraine. It is here that the OSCE can step in to rescue the confidence-building mechanisms necessary to avert worst-case scenarios, restore trust, and illuminate the road towards re-inventing European security.

David J. Galbreath

On Reinvigorating European Security

The Organization for Security and Co-operation in Europe (OSCE) experienced one of its most difficult years in 2014, yet has shown its deep resilience. With the outbreak of conflict in Ukraine, attention focused on several international organizations, including the European Union (EU) and the United Nations (UN). However, it is the OSCE that has played the most prominent and arguably important role in monitoring the conflict in eastern Ukraine. Inasmuch as the OSCE has been under strain, with interest in its institutions, centres, and field missions declining in both the East and West, the Organization still remains an important security actor where geopolitics continues to cause insecurity in the region.

The conflict in Ukraine was brought to other parts of the world when a Malaysia Airlines flight to Kuala Lumpur was shot down over airspace held by the separatist militias in the Donetsk Oblast of eastern Ukraine. As we mark the first anniversary of the loss of 298 people from many parts of the world, but in particular Malaysia and the Netherlands, we still lack a definitive understanding of how the plane was shot down. What followed typifies the conflict in Ukraine, with both sides apportioning blame to the other while further manoeuvring into position to press on with the conflict. The OSCE was on the ground in Ukraine when MH17 fell from the sky after being hit by a Buk M1 missile system being used to limit the use of airpower by the Ukrainians in their fight with the Donetsk rebels. Despite evidence to the contrary, the rebels and the Russian government refused to accept their role in the downing of the flight or that they had interfered with evidence following the crash. The OSCE sought access immediately but was repeatedly turned back until given limited access to the crash site. The role of information in warfare means that the OSCE has a difficult job not only to seek to end the conflict, but also to monitor it.

This contribution will look at the OSCE as a security provider in the years 2014 and 2015, focusing necessarily on the Ukraine crisis and other areas of the former Soviet Union. As we see, the role of the OSCE is not straightforward in the region. However, no other security institution has the presence that the OSCE has there. This contribution considers the role of the OSCE in the field and in Vienna as it attempts to respond to and deal with Europe's biggest crisis since the Yugoslav Wars. It also looks at how the OSCE has attempted to deal with the conflict beyond the political manoeuvrings of the Organization. Finally, we look at the prospects of the OSCE as Russia becomes increasingly hostile to any intervention in its self-defined sphere of influence. We ask whether Ukraine marks the end of the Helsinki moment. To understand where we are, we need to understand where we have

been. And this is where we start, by discussing the nature of the OSCE as a security actor.

The OSCE as a Security Actor

What sort of security actor is the OSCE? The approach and its limits were established during the Cold War and the promise of détente. Born out of the Conference *on* Security and Co-operation in Europe (CSCE), the Organization *for* put into practice many of the key tenets of the Helsinki Final Act (1975) that were originally set up to keep geopolitics in check, but became more about managing state transitions. In the early days of the OSCE, there was a distinct connection between geopolitics and state transition. The participating States that influenced the institutional establishment of the OSCE saw that the uncertainty of state transition could have a negative effect on the relationship between states, and therefore established new institutions such as the Office for Democratic Institutions and Human Rights (ODIHR), the High Commissioner on National Minorities (HCNM), and the Representative on Freedom of the Media (RFOM).[1] Established in the early 1990s, these institutions were set up to help promote stable transitions in states that did not have prior experience of democracy and human rights. Of particular concern was the possibility of backsliding, whereby a state having set out on a transition would revert to a non-democratic state. In this way, there was always a tension between how the OSCE and its institutions saw these challenges in the OSCE area and how some participating States saw its agenda.

With the souring of the relationship between the West and Russia from 1998 onwards, the OSCE became a theatre of political communication, and this has limited its ability to further develop the ideals of the Helsinki Final Act. This is not to say that the OSCE was not already well developed by this time, with conflict prevention, resolution, and monitoring functions, not to mention a never-used mandate for OSCE peacekeepers. More specifically, the dialogue between East and West stopped. In its place was a slow realization in the West that the Russians, now under Vladimir Putin, had become increasingly sceptical of the OSCE as a caretaker or even instigator of transition. This came to a head with the so-called "colour revolutions", in which the OSCE played a role by condemning pro-Russian governments for their conduct of elections. In many ways, the OSCE showed that it could effectively encourage liberal change, but the result was that Russia would no longer trust these parts of the OSCE and would openly attempt to stop or

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1   Cf. P. Terrence Hopmann, The OSCE role in Eurasian security, in: James Sperling/Sean Kay/S. Victor Papacosma (eds), *Limiting institutions? The challenge of Eurasian security governance*, Manchester 2003, pp, 144-165.

harass them.[2] The OSCE was "in crisis," as Pal Dunay wrote in 2006,[3] with Russia now seeking a change in direction, which it referred to as a return to geopolitics and the basics of the Helsinki Final Act, while the West still refrained from entering into any discussion with Moscow about reform of the OSCE.

Nevertheless, many of the characteristics that made the OSCE relevant after the Cold War continue to play a role in the Organization's work as a security actor in Ukraine. I have discussed these characteristics many times before,[4] but they are worth repeating here, if only briefly. The OSCE benefits from four characteristics in its role as a security actor. The first is the inclusive nature of participation in the OSCE. Beyond the UN, the OSCE is the only organization to include among its participants both the United States and the Russian Federation. Furthermore, the OSCE extends all the way from "Vancouver to Vladivostok", also including all the Central Asian and Caucasian states. Second, the OSCE remains a political organization without the ability to legally bind states, although OSCE norms do have the ability to "migrate" into other international organizations' legal processes, as they have with the Council of Europe (CoE) and the European Commission. With its need for unanimous decision-making, the OSCE is established on consensus and communication. Third, the OSCE is the only organization with a presence in the region. With centres, offices, and field missions throughout the former Yugoslavia and Soviet Union, the OSCE is the "eyes and ears" on the ground while training police, informing journalists, supporting parents and schools, or providing policy assistance to governments. Finally, the OSCE has institutions unlike those of any other organization, such as the HCNM and the RFOM. Many of ODIHR's norms, approaches, and techniques have been used by the CoE and the EU over the years, and the OSCE remains an important norm entrepreneur in the areas of national minorities and the media, which are vital for states that either suffer from rule-of-law issues or allow no room to critically engage with the law. The OSCE has leveraged all these strengths in its work in relation to the conflict in Ukraine.

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2   Cf. David J. Galbreath, Putting the Colour into Revolutions? The OSCE and Civil Society in the Post-Soviet Region, in: *Journal of Communist Studies and Transition Politics* 2-3/2009, pp. 161-180.

3   Pál Dunay, *The OSCE in crisis*, Chaillot Paper No. 88, Paris, April 2006.

4   Cf. David J. Galbreath, *The Organization for Security and Cooperation in Europe*, London 2007; David J. Galbreath, Convergence without cooperation? The EU and the OSCE in the field of peacebuilding, in: Steven Blockmans/Jan Wouters/Tom Ruys (eds), *The European Union and Peacebuilding*, The Hague 2010, pp. 175-191; David J. Galbreath/Malte Brosig, OSCE, in: Knud Erik Jørgensen/Katie Verlin Laatikainen (eds), *Routledge Handbook on the European Union and International Institutions*, London 2013, pp. 271-281.

The OSCE was present in Ukraine before and after the so-called "Orange Revolution" in 2004. Along with the EU and a number of Ukrainian non-governmental organizations (NGOs) involved in democracy promotion, the Organization also played an important role in bolstering Ukraine's civil society, which so prominently come to the fore throughout the Euromaidan protests from November 2013 to February 2014. The OSCE's relationship with the Ukrainian state has been formalized in the mandate of the OSCE Project Co-ordinator in Ukraine, whose office was established in 1999 in Kyiv. Since September 2014, the role of Project Co-ordinator has been held by Ambassador Vaidotas Verba of Lithuania. In March 2014, the OSCE further established the Special Monitoring Mission (SMM) to Ukraine, following a request by the Ukrainian government. The OSCE SMM has a mandate that runs to March 2016. Its tasks include the following:

> to contribute to reducing tensions and to help foster peace, stability and security [… to engage] with authorities at all levels, as well as civil society, ethnic and religious groups and local communities to facilitate dialogue on the ground [… to] gather information and report on the security situation, establish and report facts in response to specific incidents, including those concerning alleged violations of fundamental OSCE principles.[5]

The OSCE has made a major contribution to the initiative for a possible ceasefire in connection with what would become the Minsk Protocol of 5 September 2014 (contents of which were specified in the Minsk Memorandum of 19 September 2014) and the follow-up "Minsk II" agreement. The Minsk Protocol was the result of talks in September 2014 between the Ukrainian authorities and representatives from the two breakaway areas (*oblasts)* around Donetsk and Luhansk. Overseen by the OSCE in Minsk, the Protocol called for an immediate ceasefire and OSCE access to the Ukrainian and Russian border in the Donbas. The twelve-point plan also laid out a series of points around national reconciliation, economic development, and a special status for the eastern *oblasts*. Though it was initially agreed by representatives of the warring parties as well as the Russian Federation, the Protocol had no effect on the war other than allowing each side to blame the other for violating the ceasefire agreement.

As a result, the follow-up "Minsk II" agreement was concluded in February 2015 by representatives of Ukraine, Russia, France, and Germany. It was again overseen by the OSCE, though it was agreed without the participation of the rebel groups that had participated in the Protocol negotiations.

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5   Cf. Organization for Security and Co-operation in Europe, OSCE Special Monitoring Mission to Ukraine, *Mandate*, at: http://www.osce.org/ukraine-smm/117729.

Considerable pressure was put on the warring parties to honour the ceasefire. There has been some indication that Minsk II has had an effect on the ground, especially in limiting the offensive character of Ukrainian military operations. Nevertheless, renewed fighting in the spring of 2015 represents a deterioration, and further evidence suggests that the Russian Army is active in the region with combat units, assets, and intelligence. A problem that the OSCE has faced in trying to ensure that the warring parties honour the two ceasefire agreements is the challenge of command and control, given that both sides make use of informal militias.[6] As it stands, while the Minsk Protocol provides a future roadmap for national reconciliation and Minsk II provides a pathway to the ceasing of hostilities, the OSCE has been unable to bring about a change in the war.

The OSCE SMM Chief Monitor is Ambassador Ertuğrul Apakan of Turkey. With over 800 members of staff and nearly 600 observers, the OSCE SMM is tasked with monitoring the conflict and, following the signing of the Minsk II agreement, the ceasefire in the Donbas and the withdrawal of heavy weapons from the agreed security zone. However, according to reports, this has been largely ignored, particularly by the pro-Russian rebels and the Russian military itself.

What are the major challenges for the OSCE in Ukraine? Being able to operate a monitoring mission in a war zone is understandably difficult. For instance, being able to monitor the front line in order to verify claims around hostilities is an important part of the larger communication process that allows allies and the international community to apply pressure on parties to the conflict. Yet this means that being able to access the front lines, monitor troop movements as well as weapons and humanitarian logistics is extremely challenging. According to the OSCE spokesman Michael Bociurkiw, the OSCE SMM relies on unarmed aerial vehicles and satellite imagery to monitor areas that are restricted or too dangerous for observers.[7] The OSCE SMM is using technology not only to keep its monitors out of harm's way but also to circumvent restrictions placed on them by either or both sides. For instance, following the shooting down of MH17, while the Donetsk People's Republic (DPR) forces controlled the crash site, OSCE observers had to get through difficult Ukrainian Army checkpoints along the way.

At the same time, the OSCE is in a difficult position in relation to this war in particular because of the warring parties' concentration on information. The Ukrainian state is keen to show that the eastern rebels are in fact working on behalf of the Russian Federation, as the 2014 events in Crimea would suggest, and that Russia is militarily involved in its neighbours' affairs (and thus in violation of international law). On the other side, the rebels seek

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6   Cf. David J. Galbreath, *Is a failure in command and control the cause of MH17 disaster?* The Conversation, 18 July 2014, at: https://theconversation.com/is-a-failure-in-command-and-control-the-cause-of-mh17-disaster-29425.

7   Cf. Sputnik International, *OSCE Seeks to Increase Observers in Ukraine to 600*, 17 July 2015, at: http://sputniknews.com/europe/20150717/1024760299.html.

to demonstrate that they are victims of an increasingly violent central state that has little interest in constructively engaging with a largely Russian-speaking, industrial heartland. And for their part, the Russian Federation and the allies of the Ukrainian government such as the US and many EU member states have sought to use information to bolster support for their preferred partners in the conflict. As a result, the OSCE is caught in the crossfire of information warfare.[8]

The failure of the Minsk Protocol and, seemingly, of Minsk II as well, might suggest to some that the OSCE is either largely irrelevant to events on the ground in Ukraine or an abject failure. At the same time, there are reasons to think that despite the current state of affairs, the OSCE remains a significant security actor in Ukraine. The first reason is one that we have already encountered, namely that the OSCE is the only security organization providing monitoring and conflict resolution facilitation in Ukraine.[9] That is not to say it is the only international organization, as the UN has a large role to play in terms of internally displaced persons (IDPs). Second, the OSCE has made some significant discoveries with respect to MH17, Russian combat troops, humanitarian-cum-military aid, military atrocities on both sides, and much more. The OSCE SMM is the most important eyes and ears on the ground. Third, the OSCE is able to bring representatives on all sides to the table to negotiate although, as we have seen, the plans themselves appear to have failed. Nevertheless, the OSCE does play an important role not only in Ukraine and with regard to its warring parties, but also in the international community, as the organization that is most appropriate for handling these negotiations. Finally, and relatedly, we have the validity given to the OSCE by the parties themselves in terms of the way that they attempt to use the OSCE to justify their own positions. When the conflict does begin to turn into a peace process, the OSCE will be better prepared to assist if both sides feel that the Organization can represent them appropriately. As always, the OSCE's greatest assets are those that keep it out of the headlines, as it works towards common and comprehensive security at the local and regional level.

The OSCE in Crisis

The conflict in Ukraine provides an interesting perspective on the overall health of the OSCE. Clearly, the OSCE is the only organization that has the ability to provide the expertise and know-how to engage the parties on both

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8   Cf. Eugen Theise, *OSCE caught in the crossfire of the Ukraine propaganda war*, Deutsche Welle, 24 June 2015, at: http://www.dw.com/en/osce-caught-in-the-crossfire-of-the-ukraine-propaganda-war/a-18539289.

9   Note that the EU financially supports the OSCE SMM, most recently with 18 million euros, cf. Interfax-Ukraine, *EU to provide additional 8 million euros to OSCE SMM in Ukraine*, at: http://www.kyivpost.com/content/ukraine/eu-to-provide-additional18-million-euros-to-osce-smm-in-ukraine-391695.html.

sides of the conflict. The OSCE plays a similar role in Ukraine to the one it does as a platform for communication between differing views of security in the OSCE area. While the Russian government has provided considerable support for the OSCE's participation in the attempts to bring about ceasefires in Ukraine, Moscow is simultaneously applying pressure on other states to close down their OSCE offices, particularly in Central Asia.[10] While the OSCE Academy in Bishkek and the OSCE Centres in the other Central Asian states are limited in their scope to pursue the goals of the Helsinki Final Act (which all participating States accept), there is still a feeling in Moscow that the OSCE's presence makes the region more unstable and less amicable to Russia. While this does not pose a problem to the existence of the OSCE itself, it does problematize the role of the OSCE in a region that perhaps most needs it, once more, where it is the only international organization in town.

This approach by Russia follows what has been going on since Putin became President. Referred to as the "reform agenda", there was a move to take the OSCE back to its roots, to look at the inter-state rather than intra-state level, from democracy and human rights promotion to non-interference and territorial integrity. Again, this was heightened at the time of the "colour revolutions" but has since become Russia's normal position, thus encouraging a deadlock at the OSCE. Today, reform of the OSCE is all but impossible, with the last major change having been the establishment of the RFOM in 1996. Russia has called for the OSCE to focus more on economic co-operation as a stimulus for confidence and security, but the OSCE would be a poor replacement for the regional economic giant that is the EU. Russia has also sought to get the OSCE to focus more on military placements in the area, with particular emphasis on regulating US military movements in the new NATO member states. Of particular concern under the George W. Bush administration was the prospect of missile defence systems deployed in Eastern Europe, though the programme was reduced in size with the election of Barack Obama in 2008.

As a result, the biggest problem for the OSCE has been the ambivalence shown to it by many of its participating States. Despite the fact that the OSCE still remains a primary security actor in the former Yugoslavia, Nagorno-Karabakh, Central Asia, and now Ukraine, there seems to be a definite turn within the Russian government towards the position that the OSCE no longer provides a platform for security co-operation on the issues that trouble the post-Soviet region. Instead, Moscow has come to the conclusion that the time of the post-Cold War settlement, ushered in by the 1990 CSCE Copenhagen Document, has passed. Nevertheless, Russia has not put forward an alternative to the OSCE either, though it has made an effort to refocus its attention from the Euro-Atlantic area towards its relationship with China. With the rejection of the post-Cold War settlement, there is also the risk that

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10   Author's conversation with the head of the OSCE Academy in Bishkek, 10 June 2015.

Russia will reject the settlement that led to the end of the Soviet Union. This is not to say that Putin's government wishes to resurrect the USSR in its entirety, but that it has departed from the previous agreements of more pro-Western governments. This has opened the door to invading and claiming parts of Ukraine (Crimea, possibly Donbas); Georgia (Abkhazia, South Ossetia, possibly more); and possibly even Moldova (Transdniestria). These actions would seemingly threaten the post-Cold War settlement between the West and Russia. The question is whether this means a new settlement or a complete change in Russia's relationship with Europe and North America. If the OSCE is able to survive, there must be a prospect for further co-operation or at least a common vision about what form such a settlement would take.

Yet, the problem is not all of Russia's making. The West has also been busy establishing alternative institutions to duplicate the functions of the OSCE and to project those into a traditional OSCE area.[11] For instance, while democracy and human rights have always been a function of the CoE, the enlargement of the Strasbourg-based organization meant that the OSCE's activities in democracy and human rights promotion began to overlap with those of the CoE. This relationship could be positive, as the OSCE and the CoE are different sorts of organizations and have different ways of engaging states, but it presents a problem of complexity. The EU has also taken on many of the functions of the OSCE, including election observation, border monitoring, reporting missions, crisis response mechanisms, all the way down to taking on the notion of comprehensive security.[12] As I have argued elsewhere,[13] this relationship between the OSCE and the EU and CoE can be positive in that the more that organizations can work from the same foundation of norms, the more emphasis there is on reform for states that are not meeting these norms. At the same time, there is the prospect that the relationship between organizations leads to "forum shopping", whereby states seek the organization that best fits their own current agenda. In many ways, that is what has happened to the OSCE over Ukraine, where, though it is the only international security actor on the ground, it is also the most palatable, thanks to its lack of enforcement. Russia's relations with the EU and the CoE have suffered in the Ukraine crisis. The EU applied economic sanctions and travel bans on Russia following its military intervention in Ukraine over Crimea, and extended them over Donbas. At the same time, the Russian government has been working to distance itself from the CoE ever since, in April 2014, the organization's Parliamentary Assembly (PACE) suspended Russia's voting rights in response to its actions in Crimea. In response, the Russian

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11 Cf. David J. Galbreath/Carmen Gebhard (eds), *Cooperation or Conflict? Problematizing Organizational Overlap in Europe*, Farnham 2010.
12 Cf. Carmen Gebhard/Per Martin Norheim-Martinsen, Making Sense of EU Comprehensive Security towards Conceptual and Analytical Clarity, in: *European Security* 2/2011, pp. 221-241.
13 Cf. David J. Galbreath/Joanne McEvoy, *The European Minority Rights Regime. Towards a Theory of Regime Effectiveness*, Basingstoke 2012.

constitutional court ruled in July 2015 that decisions of the European Court of Human Rights could not overrule the Russian Constitution. Again, the OSCE is left as the only remaining organization in which Russia can engage on the same platform with the US, Europe, and the rest of the former Soviet Union.

The Death of the Helsinki Moment?

The Helsinki Final Act was a spectacular moment in the Cold War. It was the time when the Cold War became a Long Peace, in John Lewis Gaddis' phrase.[14] As many said at the time, this was not a step forward but simply the consequence of the end of the Second World War and a recognition of the status quo that came with it. All the groups – Atlantic, European, non-aligned, Warsaw Pact – could each take something away from the Final Act that would build, from their point of view, confidence and security. In other words, there were converging interests in the Final Act that allowed states to see some issues in their own light while seeing others in a shared light. These two types of issues, one of shared interest, one of shared action, made the Final Act a lasting document that could be built upon to create the organization that we know today. Yet, as a political organization with little cost of non-compliance or scope for grand political structures, and without a sense of shared interest and action, the OSCE appears less relevant to today's parties. Are we at the end of the Helsinki moment?

This is not to say that there are not converging interests among participating States. There are shared views on terrorism, economic prosperity, state capacity, and environmental and energy security, to name but a few. However, the actionable elements of such policies have increasingly become divergent or simply not enough, or have become the product of another institutionalized relationship outside of the OSCE. Of course, the OSCE does have things to do, and there are areas where the OSCE is good if not better than other actors, as we have seen in the former Yugoslavia in many cases. There are changing perceptions in participating States, and there is increasing divergence between ideas about what is to be done, as is so clearly evident in the war in Ukraine.

Can the OSCE outlive the Helsinki moment? Yes and no. Yes, the OSCE can continue to use the Final Act as a founding document that acts as a historical record of where it has been, but it increasingly needs to reform what it means as a political organization. After all, the Helsinki Final Act makes for a good founding act, as it confirms the common and comprehen-

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14   Cf. John Lewis Gaddis, *The Long Peace: Inquiries into the History of the Cold War*, New York 1987.

sive security in the larger Euro-Atlantic region.[15] Furthermore, the OSCE, or rather than CSCE, has been here before. Following the Soviet invasion of Afghanistan in 1979 and the subsequent collapse of Soviet-US relations, the Helsinki moment seemed to be dead.[16] Yet, the changes in the Soviet Union brought about by Mikhail Gorbachev restored the Final Act to the forefront of European security and brought participating States closer to understanding the common and comprehensive approach to security and why it matters for a stable Euro-Atlantic area. The Helsinki moment was saved.

At the same time, the war in Ukraine marks what has been a steady deterioration in relations between Russia and not just the West but all the rest. We can look at the Kosovo crisis as the turning point where Russia saw that the West would play by what it saw as Western rules. And it is the Kosovo effect that has given us the 2008 Russo-Georgian War and the war in Ukraine and seizure of Crimea that started in 2014. The OSCE cannot survive the death of the Helsinki moment if there is no mutual understanding of how European security politics is to be done. The previous rules, embodied in the Helsinki Final Act, will no doubt be seen as relevant to European security, as no doubt they are seen as relevant to those in the OSCE now. Yet, if the OSCE cannot be seen to be working towards ensuring common and comprehensive security in the Euro-Atlantic area, then the "Organization *for*" may have to wait for a new "Conference *on*" to continue.

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15   Cf. Harold S. Russell, The Helsinki Declaration: Brobdingnag or Lilliput? In: *American Journal of International Law* 2/1976, pp. 242-272.
16   Cf. Robert Litwak, *Detente and the Nixon Doctrine: American Foreign Policy and the Pursuit of Stability, 1969-1976*, Cambridge 1984.

Maxime Lefebvre

The Ukraine Crisis and the Role of the OSCE from a French Perspective

What is the added value of the OSCE for a major power like France? The answer is not obvious. France's influence is much greater in the United Nations, where it enjoys a seat as a permanent member of the Security Council. In the OSCE, by contrast, France is merely one participating State on an equal basis with all the others, and it generally expresses its positions through the European Union. France has traditionally been strongly committed to the European Union as a "founding country" and because of the wide range of competencies the EU has in the areas of economic policy, trade, the movement of persons, monetary affairs (eurozone), as well as foreign and security policy. For its defence, France relies on its own national means (including its nuclear deterrent) but also on NATO, whose military structure it rejoined in 2009, recognizing the importance of the Alliance with the United States for preserving the strategic interests of the "West" and its values. France is also member of the Strasbourg-based Council of Europe, an organization that is less visible in the overall European institutional architecture, but which plays an important role in human rights policy.

In more general terms, France's position towards multilateralism is as ambiguous as America's can be. France is a great power and plays great power politics by sending troops or military equipment to conflict zones (the Balkans, Libya, other countries in Africa) and by participating in diplomatic core groups dealing with crises (the Contact Group during the wars of Yugoslav succession, negotiations on Iran, UN Security Council, and the Normandy Format on Ukraine). France has invested a great deal in the European Union in order not only to boost the Common Security and Defence Policy, but above all with the aim of producing a common will together with other major countries such as the UK (see the Saint Malo Declaration of 1998) and possibly Germany, which has led to the launching of limited EU military operations in the Balkans and in Africa since 2003.

Given this state of mind, it doesn't come as a surprise that France does not have a long tradition of active engagement with the OSCE. Although the CSCE process is a product of "détente" and partly owes its origins to General de Gaulle's overtures to the East in the 1960s, France did not place a great deal of faith in the success of the whole process or show a huge amount of interest in it. In his contribution to the recently published oral history project

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Note: The views contained in this contribution are the author's own.

CSCE Testimonies,[1] Jacques Andréani, who was the French Representative to the CSCE process at the time, explains how he was left alone to deal with it, writing his own instructions and encountering little interest from the Quai d'Orsay. Henry Kissinger also saw the whole process as doubtful, and only in Jimmy Carter's time did the US discover an interest in the Helsinki Commitments, namely in the third basket (human rights), which could be used in their policy towards the Eastern Bloc.

In reality, from the start the CSCE process was driven by the Western side, above all Germany, which saw in it an opportunity to make progress towards overcoming the division of Germany (Willy Brandt and Egon Bahr's policy of "change through rapprochement" [*"Wandel durch Annäherung"*]) and reuniting the continent, and by some neutral countries such as Finland, Austria, Switzerland, and even Malta (for the Mediterranean dimension), which rely on multilateral co-operation more than alliances for their own security. The same countries remain the most committed to the OSCE today. Switzerland showed a high level of ambition for the Organization during its Chairmanship in 2014. There were discussions between 2010 and 2014 on the possibility of France and Germany applying to hold a joint Chairmanship or subsequent Chairmanships, or even on a "Weimar" Chairmanship, together with Poland, the third member of the "Weimar Triangle" and a country that already chaired the Organization in 1998. But ultimately France was not committed, Poland was hesitant, and Germany decided to apply alone for the 2016 Chairmanship, followed by Austria in 2017.

However, there was one specific point when France showed more interest in the CSCE: This was at the end of the Cold War, when Paris had to deal with the strategic changes to the whole European security architecture (reunification of Germany, collapse of the Soviet Bloc), and President François Mitterrand proposed a form of European confederation as an alternative to hasty enlargement of the European Union to include the new Central and Eastern European democracies. The 1990 CSCE Summit in Paris produced the Charter for a New Europe, which institutionalized the OSCE, and the Treaty on Conventional Armed Forces in Europe (CFE), which organized the disarmament of the former military blocs. However the project of a European confederation never materialized beyond the enlargement of the Council of Europe, whose powers remained limited compared to the key economic competencies of the EU and the politico- military dimension of the OSCE, which also includes the United States.

Today the context is very different from during the Cold War and in its aftermath. Russia is questioning the rules and principles defined in the OSCE framework during the 1990s. The largest problem concerns the principles of democracy and human rights, which are challenged not only by Russia but also by other more authoritarian OSCE States, such as Belarus, Azerbaijan,

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1   Cf. Alice Němcová (ed.), *CSCE Testimonies – Causes and Consequences of the Helsinki Final Act 1972-1989*, Prague 2013.

and the Central Asian states. It also concerns the territorial order in the post-Soviet space, where the so called "frozen conflicts" (Transdniestria, Caucasus) are used by Russia to maintain its strategic influence over its neighbours. Moreover, since 2008 Russia has been using force directly to change borders by violent means, first in Georgia and then in Ukraine. The arms control instruments developed in the 1990s have entered into a deep crisis, with the suspension of the CFE Treaty by Russia in 2007 (followed by NATO's suspension in 2011). Even the Vienna Document on Confidence- and Security-Building Measures and the Treaty on Open Skies have been facing some difficulties of implementation in the context of the Ukraine crisis.

The accumulation of misunderstandings and conflicts between Vladimir Putin's Russia and the West culminated in the Ukraine conflict in 2014. This is the most severe crisis Europe has experienced since the end of the Cold War. Russia has its arguments and grievances towards the West; understanding them is important to get a clearer picture of the domestic policy debate in Russia, and doesn't mean accepting them. The West was able to solve the Western Balkans conflicts (Bosnia and Herzegovina, Kosovo) in the 1990s by combining diplomatic means and the use of force. As the recent EU mediation in the former Yugoslav Republic of Macedonia has shown (2015), the West has enough influence and leverage in this part of the continent to keep the situation under control. In the former USSR, the situation is very different because here the West directly faces the military might of the great (and nuclear) power that is Russia, which means that it has to avoid a dangerous escalation (as the French Foreign Minister Laurent Fabius repeatedly said in the Ukraine crisis, "we're not going to declare war on Russia"), and its strategy has to rely mostly on non-military means. That's where the OSCE can be of a renewed relevance, as the Ukraine crisis has shown, and France has also been rediscovering the role of the Organization.

The New Role of the OSCE in the Context of the Ukraine Crisis

The crisis in Ukraine began with the decision of Viktor Yanukovych's government, under pressure from Moscow, that it was postponing the conclusion of the prepared Association Agreement with the EU in late 2013. This led to the start of mass protests on Kyiv's Maidan Square. When Ukraine, which held the OSCE Chairmanship in 2013, hosted the OSCE Ministerial Council Meeting in December, it tried to show restraint in suppressing the protests, but the situation escalated afterwards. France, together with Germany and Poland, brokered a political settlement – half-heartedly supported by Russia. The agreement, signed on 21 February 2014, provided for new elections by the end of the year, but this didn't prevent the collapse of the Yanukovych regime the next day, and Putin reacted by organizing an uprising in Crimea – which was annexed to Russia in March after a quickly held referendum –

followed in April by another uprising in the Russian-speaking Donbas, in eastern Ukraine.

France reacted to this crisis, as did its EU and other Western partners, with a combination of dialogue and firmness. A range of sanctions was imposed by two extraordinary European Council meetings in March, while dialogue continued in parallel with Russia, in particular through the OSCE, where a small group made up of the main actors (some ten countries) was formed by Switzerland, which held the OSCE Chairmanship in 2014. Dialogue also took place via contacts between capitals. The agreement on a mandate for a huge OSCE civilian observation mission in Ukraine (deployed throughout the country except for Crimea, although Crimea was not formally excluded) was reached on 21 March (the day Crimea was officially annexed by Russia) and was the first action taken and the key step in de-escalating the crisis. This Special Monitoring Mission (SMM) rapidly grew to the target of 500 observers on the ground, two-thirds of them being deployed in the east of the country. The mission did not prevent the uprising in the east, but it remains the only international field presence to observe the situation on the ground and report to all participating States, to help in reducing tension, and to implement peace agreements.

It is no coincidence that the OSCE became the main channel for the management of this continental crisis. In the OSCE as well as in the UN, Russia's attitude was strongly condemned, and not only by Western countries. On 27 March 2014, a UN General Assembly resolution supporting the territorial integrity of Ukraine (and implicitly condemning the annexation of Crimea) was adopted by a vast majority of 100 states to eleven (with 58 abstentions). However, Russia blocked any resolution of the UN Security Council and clearly favoured the framework of the OSCE to deal with the crisis. Several reasons can be suggested for this preference for the Vienna-based Organization: the OSCE's experience in dealing with the "frozen" conflicts in the post-Soviet space; the civilian and therefore low-profile nature of OSCE missions (in contrast to UN peacekeeping missions); the consensual nature of the OSCE decision-making process (which includes all relevant actors in the crisis); the fact that Russia sees the OSCE as a kind of chessboard where it seeks recognition of its sphere of influence and an opportunity to bargain on an equal footing with the Western bloc; and probably also the strong influence in the Organization of countries traditionally more inclined to engage with Russia, such as Germany, Austria, Finland, and Switzerland. Everything points to the fact that Russia has been seeking to generate a form of division of labour in which the UN is used for its co-operation with other major powers on the global stage, while the OSCE is used to deal with the West on European disputes (China, in contrast to Japan, not even having the status of a Partner for Co-operation in the Organization). Although Ukraine sought agreement on a UN peacekeeping mission in the east of the country in 2015, Russia consistently refused to engage on this path. As a consequence,

the OSCE began to debate the possibility of peacekeeping operations launched by the Organization.

The OSCE not only brought an international presence to the Ukraine crisis, but it also soon became the main diplomatic channel for discussing and settling the conflict. This is due to the fact that no other international organization was properly designed to take over that role: The UN was marginalized for reasons already mentioned; the EU (unlike in the case of Georgia in 2008) was a party to the conflict (which originated in the dispute about the EU-Ukraine Association Agreement), had adopted direct sanctions against Russia, and was more and more aligned with the US; the Council of Europe could play an advisory role in some legal aspects (such as constitutional reform in Ukraine) but was not a security organization and did not include the US. In this regard, the "crisis in and around Ukraine" (as officially designated in OSCE circles) led to a genuine rediscovery of the importance of an organization like the OSCE, which had fallen into a crisis during the 2000s (for example, it remained quite useless during the Georgian conflict of 2008, when the EU – under the French EU chairmanship and with President Nicolas Sarkozy's personal commitment – took the diplomatic and operational leading role in settling the crisis, and Russia put an end to the OSCE Mission to Georgia, as it no longer served its interests).

The 2014 Swiss Chairmanship tried to organize a "contact group" of the major players at the start of the Ukraine crisis, but the project never materialized beyond the (never formalized) group of countries that met in Vienna to negotiate the mandate of the SMM. Chairperson-in-Office President Didier Burkhalter tried to put forward some proposals for a more global settlement of the conflict, but he did this quite awkwardly (proposing while in Moscow that a discussion be held on Ukraine's role in the European security architecture without making a stop in Kyiv) and without the backing of the major Western players (especially the US). In fact it was a joint initiative of French President François Hollande and German Chancellor Angela Merkel to organize a meeting between President Putin and the newly elected Ukrainian President Petro Poroshenko, on the margins of the ceremonies to mark the 70th anniversary of the allied landing in Normandy (6 June 2014) that opened a diplomatic path to dealing with the worsening crisis. The direct consequences of the Normandy meeting were, firstly, the launching of the "Trilateral Contact Group" between Russia (represented by its Ambassador in Kyiv, Mikhail Zurabov), Ukraine (represented by its Ambassador to Germany, Pavlo Klimkin, and later by former President Leonid Kuchma), and the OSCE (represented by the skilful Swiss diplomat Heidi Tagliavini), and secondly, after a Russian-backed rebel counteroffensive in August 2014, the negotiation in Minsk in September of two agreements to settle the crisis through a ceasefire and a political process.

Although the OSCE was directly involved in the talks, its diplomatic role was always more that of an honest broker than a mediator. The Russian-

Ukrainian agreements of September 2014 were negotiated directly by the parties under the pressure of the situation on the ground – which did not favour Ukraine. These agreements didn't prevent a further escalation of grievances and tensions during the winter, and again it was President Hollande and Chancellor Merkel's initiative to reactivate the Normandy Format that made possible a new diplomatic breakthrough in Minsk with the agreement between the four heads of state and government of a "package of measures" to implement the Minsk agreements. Since then, the diplomatic process has been better organized with the creation of four working groups subordinated to the Trilateral Contact Group, each of which is co-ordinated by an OSCE representative (including the French former diplomat Pierre Morel, who heads the most sensitive group, the political working group). But again, as in other diplomatic processes such as the "5+2" negotiations on Transdniestria and the Geneva Discussions on Georgia, no breakthroughs were really possible, and the Normandy Format meetings have remained essential to give some political impetus and allow for – very – limited progress on the various aspects of the peace roadmap (consolidation of the ceasefire, economic and financial restoration in the east, organization of local elections and constitutional reform, etc.).

More than other conflicts dealt with by the Organization (Transdniestria, Georgia, Nagorno-Karabakh) the crisis in Ukraine deserves the attention of a pan-European security organization: Ukraine is a country of strategic and geopolitical importance in Europe (the second largest country in Europe after Russia, larger than France and with a higher population than Poland);[2] and the conflict areas (two million people live in Crimea, five million in the Donbas) are incomparably larger than in the cases of the other frozen conflicts of the former Soviet Union. The Ukraine conflict concerns the European security order as a whole: From the Western point of view, (because of the flagrant violation of key OSCE principles) it marks a strategic turning point in the relationship with Putin's Russia, while from the Russian perspective (because of the historical links between Russia and Ukraine, the Russian speaking population, and the presence of the Russian fleet in Sevastopol), it is a matter of core national interests. A Russian expert once said to his Western counterparts: "You wanted to make of Ukraine a bridge, and you have made of it a trench.") The crisis in Ukraine has led to a growing interest and attention – in many capitals, including Paris – for the Organization as an essential tool for de-escalating the conflict, and has required an intensification of the level of interaction between the great political game at the level of capitals on one side, and the practical, diplomatic, and operational translation of political decisions and agreements through the Organization on the other. More generally, it has led to a rediscovery of the importance of the OSCE.

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2   See also the role of Ukraine in Zbigniew Brzezinski's geopolitical analaysis, Zbigniew Brzezinski, *The Grand Chessboard: American Primacy and Its Geostrategic Imperatives,* New York 1997, p. 46.

The OSCE can be seen from three points of view: as a forum for dialogue, through its operational instruments, and as a framework for European security.

The forum for dialogue is the very essence of the OSCE, which started as a conference (CSCE). Today, the weekly meetings of the Permanent Council and the Forum for Security Co-operation allow the expression of positions on all matters covered by the Organization, including politico-military security (first dimension), economic co-operation (second dimension), and human rights (third dimension). France expresses its positions through the European Union, but sometimes adds some remarks reflecting specifically national positions, and always does so in conferences with representatives of national governments, including, of course, Summits and Ministerial Council Meetings.

The importance that the exchanges within the various OSCE bodies have for national governments should not be overestimated. Probably because the EU speaks with one voice, and due to the limited scope of most of the decisions taken, the OSCE is regarded in Paris with much less interest than are the UN and the EU. One major role of the French Permanent Representation in Vienna is to examine EU statements and to alert Paris about potential dissonances with French positions or agreed EU lines. There is a risk of OSCE forums becoming a "bubble" where established positions are simply reiterated (as Germany's Foreign Minister Frank-Walter Steinmeier once said: "The equation 'monologue plus monologue equals dialogue' simply doesn't add up.") in a (sometimes banal) propaganda war, as has become commonplace in exchanges between Russia and the West since the start of the crisis in Ukraine.

The OSCE is also the locus for informal exchanges, and that is not the least interesting aspect of the way the Organization operates. The dialogue in various formats between the EU-3 (France, Germany, UK), the EU Delegation, the US, Russia, and other actors is permanent (including more social aspects such as lunches, dinners, and receptions) and allows for the regular exchange of information that can be also of interest to the capitals. The role of a permanent representation is to ensure effective and continuous links between Vienna and the national capital.

The second function of the OSCE relates to the various operational instruments developed during the history of the Organization.

The fifteen field missions deployed in the Balkans and the former USSR, although they are all civilian, are highly multi-faceted: They serve as international field presence, as an international "eye on the ground", and sometimes the only one in the countries concerned (including in the Balkans: the OSCE is now the only international organization to maintain a field presence in Serbia, Montenegro, and Macedonia); they undertake political re-

porting (although this role is more and more disputed, especially by the countries of the former USSR, which are – in contrast to the Balkan countries – not pursuing EU membership); they have a non-insignificant security role (observation; elimination of some weapons; local mediation, for example in the Albanian-speaking parts of Serbia and Macedonia; organization of local elections in the northern, Serbian-speaking part of Kosovo; humanitarian aid; etc.); they also have a role in economic and environmental development (dependent on the available resources); and they support good governance and progress in the field of democratization and human rights (reporting, support for civil society, police and media reform, combating human trafficking, etc.). It is worrying that countries like Belarus and Azerbaijan have closed their field presences for political reasons, that the OSCE presence in Georgia was shut down in the aftermath of the 2008 war, and that some Central Asian governments are considering reducing the role of OSCE in their countries. But the crisis in Ukraine has also shown how important a strong OSCE field presence (the SMM could reach 1,000 observers in the future) can become for tackling the various aspects of this conflict, to such an extent that the possibility of launching an OSCE military operation is also currently being considered (a proposal that needs careful reflection in the capitals).

The OSCE's arms control instruments have also retained their relevance in spite of the crisis of the CFE Treaty since the last decade. The Vienna Document on Confidence- and Security-Building Measures remains in force: Its use by the West during the crisis in Ukraine has been questioned by Russia, but the document still applies, and the issue of its modernization (including the long-established French proposal to lower the threshold for the notification of military exercises) is still on the agenda. The Open Skies Treaty, which allows States Parties to perform flights over each other's territory, is also still in force, although Russia recently complicated its implementation by requiring prepayments for flights by Ukraine. And even the CFE Treaty (including its never ratified adapted version), though suspended by NATO and Russia, is still in force and would remain a basis for conventional arms control if there were a common will to revitalize a common legal framework in this area. One should add that the agreement of a first set of confidence-building measures in the area of cybersecurity at the end of 2013, concluded thanks to the co-operative relationship between Russia and the US at that time, was a fairly innovative step in the OSCE framework, although it has only limited normative and legal scope.

France has always shown an interest in developing the politico-military dimension of the OSCE, but it is clear that the end of the Cold War made the whole issue of arms control in Europe less of a priority than proliferation issues (Iraq, Iran, North Korea) or regional conflicts (Balkans, Middle East, Africa). The situation today can be seen as a paradox that recalls the situation at the end of the Cold War: The (still limited) military escalation between Russia and the Western Bloc (without neglecting the risk of a nuclear inci-

dent, given the number of tactical nuclear weapons still present in Russian and US arsenals) makes it more necessary than ever to agree on confidence-building measures, incident-prevention mechanisms, and arms-control instruments; but the degree of tension and the lack of confidence also make it more difficult than ever to start genuine talks and negotiations to that end. This will be a major challenge for the time to come.

Another category of OSCE tools are the autonomous institutions developed in the 1990s in the field of human rights: the role of the Office for Democratic Institutions and Human Rights (ODIHR), particularly in the field of election observation; the Representative on Freedom of the Media (RFOM); and the High Commissioner on National Minorities (HKNM). These institutions do not enjoy a high profile in the French national conversation, although, for example, the current RFOM, Dunja Mijatović, participated in the large demonstration in Paris after the attack on Charlie Hebdo in January 2015, and has also sometimes expressed her concern about media freedom in France. Globally, French diplomacy (together with its Western partners) supports the autonomous institutions against the criticism they are receiving from some authoritarian countries "East of Vienna".

The third and final function of the OSCE is as a framework for the European security architecture, encompassing military alliances such as NATO and the Collective Security Treaty Organization (CSTO), which was founded in 2002 based on the Treaty on Collective Security (CST) of 1992 and currently includes Russia and five other members, and regional economic organizations such as the EU and the Eurasian Economic Union. The key question is to determine which principles this common architecture (reminiscent of Mikhail Gorbachev's "common house") is to be based on, and which compromises are necessary for the arrangements to be negotiated.

The difficulty is that we are not starting from scratch, because there have already been two attempts to agree on common foundations. The first was the Helsinki Final Act, negotiated between 1973 and 1975, whose Decalogue – extrapolated from UN principles – is still valid, and which concluded a global bargain in which the Soviet Union achieved confirmation of the post-1945 European borders and the West achieved a recognition of human rights by the East. The Helsinki Final Act was a concrete expression of the spirit of 1970s détente, but though some see it as a poisoned chalice (a "trap", as described by Jacques Andréani in a book published in 2005) that fostered the collapse of the Soviet bloc, the CSCE process was in fact deadlocked during the final phase of the Cold War.

The second attempt was the Paris Charter of 1990 and related and subsequent developments (institutionalization of the Organization, arms-control instruments, creation of field missions and autonomous institutions), which amounted to a victory of Western values and the hope that military confrontations on the European continent was at an end. But again the reality didn't live up to the expectations. In contrast to the Warsaw Pact, the Atlantic Alli-

ance didn't disappear, but rather started to enlarge itself by allowing the accession of the new Central and Eastern European States (NATO grew from 16 to 19 states in 1999, from 19 to 26 in 2004, and from 26 to 28 in 2009), and the establishment of a NATO-Russia link (in the NATO-Russia Founding Act of 1997 and the NATO-Russia Council in 2002, which was created following the Kosovo crisis) became necessary in parallel to the OSCE commitments. The wars triggered by the disintegration of Yugoslavia could be solved only by the intervention of NATO, and in the case of Kosovo in the face of Russian opposition. At the same time, the EU expanded into the East (going from twelve to 28 member states), launched an "Eastern Partnership" towards its new Eastern neighbours (including Ukraine) in 2009, and failed to find common terms for its relationship with Russia. For its part, Russia moved away from Western values by using brutal force in Chechnya (1994-1996 and again in 1999-2000) and by restoring a system of "vertical power" under Putin that reversed the democratization attempts of the previous decade. In 2007, President Putin officially criticized the OSCE as an instrument of the West and suspended the CFE Treaty, while the West blamed Russia for not helping to solve the "frozen conflicts" of the former Soviet Union (Transdniestria, Georgia) in line with the OSCE Istanbul commitments of 1999. Tensions between Russia and the West have since culminated in the Georgia war of 2008 and the Ukraine crisis of 2014, the OSCE Summit of Astana in 2010 (during Medvedev's presidency) having failed to really restart a common co-operative agenda.

It is extremely difficult to imagine what form a third attempt to found a common European (and de facto also Eurasian) security architecture could take. The West faces a tricky dilemma, because any continuation of the confrontation will have a growing economic, political, and military cost (as President Hollande has said about the crisis in Ukraine), but also because any negotiation risks ending up by backtracking on previously agreed OSCE principles and commitments. Russia is increasingly turning its back on the Western values of democracy and human rights; it has changed borders by force in the aftermath of the war in Georgia in 2008 (recognizing the independence of Abkhazia and South Ossetia, and justifying this by referring to the precedent of Kosovo); it has annexed a Ukrainian territory by force; and it has supported a military rebellion in the east of Ukraine. Although many Western states, including France in particular, do not want to engage in even indirect military confrontation and would prefer to continue to pursue the way of dialogue and co-operation, the crisis of confidence is such that it will be far from easy to engage in a serious and genuine discussion about the principles and political solutions for reconsolidating the European security architecture. But because Putin's regime and Russia's orientation appear likely to continue in the short term (in contrast to what happened with Slobodan Milošević and Serbia after the Kosovo war), the challenge, for the sake of Europe's peace and stability (encompassing the recognition of and respect

for international borders, the non-use of force and military restraint, economic co-operation, and respect of human rights) will remain and will continue to necessitate from the West a fine-tuning between firmness (including sanctions and military reinsurance) and negotiation (including within the OSCE framework). This is an additional reason for France to pay more attention to the Organization in spite of all the difficulties.

The Dialectic between Consensus and Leadership in the OSCE

The OSCE rests on the principle of a consensual decision-making process. In contrast to the UN, the OSCE has no executive structure such as a Security Council that is capable of imposing decisions – although such an idea was once advanced by the former German Foreign Minister Hans-Dietrich Genscher. The few OSCE procedures that bypass the unanimity principle, such as the 1991 Moscow Mechanism in the human dimension, have barely been used and are limited in scope. All negotiations carried out within the OSCE are long and complex, including budgetary ones. They need careful preparation and many compromises, particularly with the most difficult delegations. The normative value of the commitments entered into in the OSCE is always in danger of being weakened for the sake of consensus, particularly in the field of human rights, where the most difficult countries (maybe because they feel more under pressure from the West) have proven to be more sensitive than in the UN context.

In spite of the difficulties of consensus-based decision making, it is not impossible to agree on declarations and decisions within the Organization. At the outbreak of the conflict in Ukraine, the participating States managed to agree on a mandate for the Special Monitoring Mission. Every Ministerial Meeting succeeds in agreeing at least a handful of decisions or declarations in all the dimensions of the OSCE. And even the Permanent Council can adopt the occasional political statement (though it rarely does): In early 2015, thanks to the work of the Serbian Chairmanship, the Permanent Council adopted two declarations, one on Ukraine calling for de-escalation (whereas the previous Basel Ministerial Meeting had been unable to agree on a political statement on Ukraine) and another (prepared by France) after the Paris attacks reaffirming the participating States' commitment to freedom of expression, condemning terrorism, and rejecting intolerance – a statement that was more comprehensive and more political than the corresponding statement by the UN Security Council.

Beyond the difficulties of consensus, the OSCE is very dependent on the political will of the main players, above all on Russia and the United States. It was, for example, good US-Russian working co-operation that resulted in the adoption of the OSCE's first set of confidence-building measures on cybersecurity in late 2013. But the political will has fallen victim to

the growing tensions between Russia and the West. Since 2002, it has been impossible to agree on a political declaration at Ministerial Meetings because of the diverging interpretations of the Istanbul Summit Declaration (1999) regarding the settlement of the frozen conflicts in the former Soviet Union. Even the Astana Summit of 2010 could not adopt more than a "Commemorative" declaration, and the "Helsinki +40 Process" launched at the Dublin Ministerial Meeting of 2012 to revitalize the entire range of OSCE activities became bogged down due to the crisis in Ukraine. Helsinki +40 now seems to have been overtaken by the work of the Panel of Eminent Persons, led by the former German diplomat Wolfgang Ischinger, which has issued an interim report on lessons learned from the crisis in Ukraine (June 2015) and a more ambitious final report on the reconsolidation of European security.

This general context does not contribute to making the Organization stronger. The OSCE is relatively weak compared to other large multilateral organizations such as the UN, NATO, and the EU. Rather than an organization based on strong competences, it is a regional version of the multilateral UN system (in accordance with Chapter VIII of the UN Charter) based on a specific history (the three dimensions of security inherited from Helsinki and the legacy of the East-West conflict which is still present in the US-Russian relationship). It has no legal personality, because the requirement for such (a charter or convention on privileges and immunities) has become a political football between Russia and the West. It is a fragmented organization, composed of a Secretariat managed by a Secretary General, who is not independent of but subordinated to the Chairmanship; the three autonomous institutions mentioned above (which effectively enjoy total independence according to their respective mandates); and the field missions, which are also quite strongly autonomous. It has only 300 international staff in the central institutions, and barely more in the field missions altogether (not including members of the SMM), and no international careers are possible in the OSCE because of the limited period of contracts. The ordinary budget of the Organization amounts to some 140 million euros per year,[3] which is only a tenth of one per cent of the EU budget, and only slightly more than the budget of the Council of Europe, a less-extensive organization that does not include the North American and Central Asian countries. Some proposals have been made, particularly in the first report of the Panel of Eminent Persons, to reform and reinforce the Organization – for instance by granting it legal personality, reinforcing the independence of the Secretary General, or allowing OSCE peace operations – but it remains to be seen if a consensus will be possible to decide and implement them.

That's why the question of leadership in the Organization will remain a crucial one. An OSCE that turns in on itself risks becoming a "bubble" where

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3   Not including the budget of the SMM in Ukraine.

debates go round in circles[4] and with limited means and impact. But the reality of the crisis in Ukraine has also proven the Organization to be unexpectedly useful, even indispensable, in the present historical context, with a role that is far removed from what it was designed for at the start of the CSCE process or at the time of the institutionalization of the OSCE. The role of the Chairmanships will remain essential, not least because they are awarded to states that apply for them on a voluntary basis and do not merely rotate (as in the Council of Europe), as will the engagement of the key players of the Organization. The OSCE cannot by itself solve the tensions between Russia and the West, which are not the only problems the Organization has to face, but are its most pressing, yet it can and must be a useful tool for damage control and part of a strategy aiming at reconsolidating the European order on more solid foundations.

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4   As in Robert Musil's great unfinished novel "The Man without Qualities" (*Der Mann ohne Eigenschaften*), which was about the "great idea" of "*Parallelaktion*" or the Parallel Campaign. Peace in Europe is a similarly great idea, as topical today as it was in Musil's pre-World War I Austrian capital.

The OSCE Participating States:
Domestic Developments and Multilateral Commitment

David Aprasidze

Consolidation in Georgia: Democracy or Power?

Introduction

Thanks to its successes in democratization and modernization, Georgia is considered something of a model state in the South Caucasus. Yet this country, with its 3.7 million people, has been down a difficult road since independence in 1991 – economic collapse, violent conflicts between political factions, wars of secession in two territories (Abkhazia and South Ossetia), not to mention war with Russia in 2008. After 25 years of independence, Georgia remains a country in transition.[1] In many ways, Georgia corresponds to the model of a "dominant-power system", a category in Thomas Carothers' typology of political systems of states that have undergone only an incomplete transition.[2] In the last decade, Georgia has changed a great deal, and the first peaceful transfer of power following the 2012 parliamentary elections is a historic achievement. At the same time, the country is confronted by many structural obstacles on the way towards the consolidation of democracy. The major hurdles include secession conflicts, security problems with Russia, and economic development. This contribution will concern itself exclusively with internal shifts in the balance of political power. It considers what the series of elections held between 2012 and 2014 (parliamentary elections in 2012, presidential elections in 2013, and local elections in 2014) mean for Georgia's ongoing democratization, and what the outlook is in the run-up to the elections due in 2016. The structural problems and limitations revealed by considering Georgia as a dominant-power system must be taken seriously. Furthermore, since 2012, Georgia has also been confronted with the problem of autonomous power bases – a situation in which non-state actors possess resources that are outside the control of state and society and can influence

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1 Freedom House considers Georgia to be a partly free state, cf. Freedom House, *Georgia*, at: https://freedomhouse.org/country/georgia.

2 Cf. Thomas Carothers, The End of the Transition Paradigm, in: *Journal of Democracy* 13/2002, pp. 5-21. Carothers is concerned with "transition countries" that are neither authoritarian nor democratic, but remain trapped in a grey zone. He describes the dominant-power system as follows: "Countries with this syndrome have limited but still real political space, some political contestation by opposition groups, and at least most of the basic institutional forms of democracy. Yet one political grouping – whether it is a movement, a party, an extended family, or a single leader – dominates the system in such a way that there appears to be little prospect of alternation of power in the foreseeable future." Ibid., pp. 11-12. Georgia is considered an example of this kind of system, cf. ibid., p. 13. These states are also sometimes described as "defective democracies", cf. Aurel Croissant/Peter Thiery, Von defekten und anderen Demokratien [On Defective and Other Democracies], in: *WeltTrends* 29/2001, pp. 9-33; for more specifically on Georgia, see: Christofer Berglund, Georgia between Dominant-Power Politics, Feckless Pluralism, and Democracy, in: *Demokratizatsiya* 3/2014, pp. 445-470.

political processes. Nonetheless, Georgia has decent prospects of continuing its democratic transformation: Though the political landscape is dominated by a single party, the opposition's room for manoeuvre is growing. This contribution considers the political implications of the elections held between 2012 and 2014 in view of these challenges.

Georgia after Three Elections: Change or Continuity?

What do elections mean in states whose transformation is incomplete? Are they really an expression of the will of the voters or merely a means to legitimate the existing or emerging holders of power? In 2003, President Eduard Shevardnadze's attempt to falsify the election results in his favour led to the peaceful "Rose Revolution". Shevardnadze was forced to resign. The subsequent parliamentary and presidential elections merely confirmed the transfer of power to Mikheil Saakashvili that had already taken place.[3]

Yet a series of elections – parliamentary in 2012, presidential in 2013, local in 2014 – were celebrated as free and fair and hence as a breakthrough in Georgia's democratization process. The 2012 parliamentary elections were indeed a historic occasion for the country, marking the first time since independence that a change of government came about by electoral means. President Saakashvili's United National Movement (UNM), which had governed the country since the Rose Revolution, had to give way to the opposition Georgian Dream (GD) coalition. According to official Central Electoral Commission figures, the UNM won 40 per cent of the vote, giving them 33 list seats in parliament. In addition they won 32 constituency seats. Thus, the UNM won 65 seats in total, while the GD captured 54 per cent of the vote (44 list seats) and 41 constituency seats, making 85 seats in total (see table 1).

In Georgia's 150-seat unicameral legislature, this defeat meant that the UNM was no longer able to form a government, even though President Saakashvili's term was not due to expire until the end of 2013. Saakashvili accepted the defeat and appointed the coalition's leader, the billionaire Bidzina Ivanishvili, to the post of prime minister. The parliament confirmed the new government.

Although the parliamentary elections were adjudged free and fair, it is important not to forget what happened in the run-up to the vote. In some cases, polarization between the UNM and the GD coalition had reached extreme levels. Shortly after Ivanishvili publicly announced that he was interested in politics and intended to stand for election, his Georgian citizenship

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3   This is why the Rose Revolution is often seen not as regime change but as a phase within the "regime cycle". Saakashvili simply replaced Shevardnadze's pyramid-shaped single-party system with his own. Cf. Henry E. Hale, Regime Cycles: Democracy, Autocracy, and Revolution in Post-Soviet Eurasia, in: *World Politics* 1/2005, pp. 133-165; Henry E. Hale, Two Decades of Post-Soviet Regime Dynamics, in: *Demokratizatsiya* 2/2012, pp. 71-78.

was revoked.[4] At the same time, Saakashvili's government also tightened the rules on party financing and implemented measures that would make it harder for the pro-Ivanishvili opposition to raise funds.[5] In 2012, Cartu Bank – a private bank owned by Ivanishvili – was even accused of money laundering and placed under the control of the national bank.[6]

Table 1: Distribution of Seats in the Georgian Parliament

	Seats after 2012 election	Seats as of 1 August 2015	Change
GD majority coalition	85	86*	+1
UNM minority	65	46	-19**
MPs in other parliamentary groupings	-	8	+8
Non-aligned MPs	-	8	+8
Total	150	148	-2

* Including 13 former UNM MPs.
** Eighteen parliamentarians left the UNM, while one MP died.

Source: Georgian Central Election Commission, *Elections 2012, Final Results,* at: http://results2012.cec.gov.ge (Georgian language); Parliament of Georgia, *Parliamentary Activities, Factions*; at: http://www.parliament.ge/en/saparlamento-saqmianoba/fraqciebi-6.

The polarization of the campaign was reflected in the composition of the parliament, with the two main rivals securing all the seats. This increased the likelihood of confrontation and created the impression that co-operation between the UNM and the GD was impossible. Indeed, the goal of the new governing majority was the "restoration of justice" in response to the "machinations" of the previous UNM government. Key UNM members were arrested and prosecuted.[7] UNM members of parliament have been subject to enormous pressure. A total of 18 have left the ranks of the UNM since the election, partly as a result of pressure from the GD. Thirteen of them have

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4   Cf. *President's Spokesperson: Stripping Ivanishvili of Citizenship "Fully in Line with Law"*, Civil Georgia, 18 October 2011, at: http://www.civil.ge/eng/article.php?id= 24045.
5   Cf. Berglund, cited above (Note 2), pp. 455-456.
6   Cf. *State to Take Over Ivanishvili's Cartu Bank*, Civil Georgia, 11 July 2012, at: http://www.civil.ge/eng/article.php?id=24990.
7   The prominent figures arrested by the new government were Ivane "Vano" Merabishvili, former prime minister and secretary general of the UNM at the time of his arrest; Gigi Ugulava, a former mayor of Tbilisi; and Bacho Akhalaia, a former minister of defence and of internal affairs. Outstanding warrants have been served for others, including former president Saakashvili, and former minister of justice Zurab Adeishvili. Saakashvili and Adeishvili are both now in Ukraine and have been granted Ukrainian citizenship. Saakashvili has since been appointed governor of Odessa Oblast, where Adeishvili is in charge of the public prosecutor's office.

joined the majority grouping, while a few have chosen to sit as independents or to describe themselves as the "alternative opposition". The GD has also been leaking MPs, with the Our Georgia – Free Democrats party of former defence minister Irakli Alasania joining the opposition. With a year to go until a new parliament is elected, the GD coalition's majority now depends on the support of the former UNM MPs.

The pressure on local authorities controlled by the UNM was particularly strong. While local elections were due to be held in 2014, the GD coalition had nonetheless begun to assume power in local government right after the 2012 parliamentary elections. For instance, when twelve UNM representatives on the Tbilisi municipal council switched loyalty to the coalition, the GD had a majority of 25 seats on the 47-person body, and thus secured an early transfer of power before the election.[8]

Both the 2014 local elections and the presidential elections in 2013 served to consolidate the transfer of power. The result of the presidential elections was not hard to predict. The GD candidate, Giorgi Margvelashvili, was elected president with 62 per cent of the vote. It is worth mentioning that Margvelashvili had no history in politics and no party behind him; he was personally selected by Ivanishvili, who made the decision without consulting his coalition partners.[9]

In the local elections, there was more evidence of competition during the campaign and, for the first time since independence, run-off ballots were held in 21 electoral districts. A run-off even had to be held in the capital Tbilisi to determine who would be the next mayor. The winner was the GD candidate, who beat the UNM candidate into second place. The very fact that mayors and other local politicians were elected directly itself represented progressive institutional change. Nevertheless, the local elections did not have a major effect on the way that power is exercised in Georgia – one-party control by the UNM prior to 2012 was merely exchanged for one-party control by the GD coalition.

The three elections between 2012 and 2014 were acknowledged to be free and fair. The first peaceful transfer of power in Georgia, in 2012, represented major progress towards the consolidation of democracy. However, by merely replacing one dominant party – the United National Movement – with another – the Georgian Dream coalition – the election left Georgia's dominant-power system essentially unchanged.

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8   Cf. Canan Atilgan/David Aprasidze, End to an Era: Transfer of Power in Georgia, in: *KAS International Reports* 12/2013, pp. 69-88, here: p. 72.

9   Cf. ibid., pp. 74-75.

The Georgian Dream coalition, Georgia's new dominant power, has a fairly diverse membership. The leading party, Georgian Dream – Democratic Georgia, defines itself as a centre-left party, while its partners range ideologically from liberal (Republican Party of Georgia) via nationalist (Conservative Party of Georgia, National Forum) to pro-business/mercantilist (Industry Will Save Georgia). The party of former defence minister Alasania, Our Georgia – Free Democrats, left the coalition in November 2014.[10] The Republicans are often seen as an unnatural fit within the coalition, though the party's leadership vehemently denies this.[11] Ivanishvili is without doubt the glue holding the coalition together. Without him it would be hard for the various groups in the coalition to maintain their alliance.

Ivanishvili made his fortune in Russia in the 1990s. He moved there in the mid-1980s, only returning to Georgia in 2004. His business interests range from finance and investment to property. For many years, he kept himself to himself, shunning publicity. On returning to Georgia, Ivanishvili largely devoted himself to philanthropy, even supporting Saakashvili's government in the early years following the Rose Revolution. In 2011, he announced that he was entering politics, challenging Saakashvili in the 2012 parliamentary elections.

Ivanishvili's fortune is estimated at around 5.2 billion US dollars,[12] making him the richest person in Georgia. His personal wealth is equivalent to nearly a third of Georgia's GDP, which was 16.53 billion US dollars in 2014,[13] and more than the entire 2015 state expenditure of ca. 3.6 billion US dollars.[14] Georgia heads the list of countries where the richest individuals have a personal wealth that represents a significant proportion of GDP.[15] It should also be noted that in Georgia, Ivanishvili possesses this wealth alone, whereas in Russia (number two in the list), wealth equivalent to 20 per cent of GDP is shared by 111 billionaires.[16]

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10   Cf. Lincoln Mitchell, *The Beginning of the End of the Georgian Dream Coalition*, 5 November 2014, at: http://lincolnmitchell.com/georgia-analysis/2014/11/5/the-beginning-of-the-end-of-the-georgian-dream-coalition.

11   Cf. Parliament of Georgia, *David Usupashvili on Republican Party*, 29 October 2014, at: http://www.parliament.ge/en/parlamentarebi/tavmdjdomare-1125/tavmdjdomaris-axali-ambebi/david-usupashvili-on-republican-party.page.

12   Cf. Forbes, *The World's Billionaires, Bidzina Ivanishvili*, at: http://www.forbes.com/profile/bidzina-ivanishvili.

13   Cf. World Bank, *Georgia*, at: http://data.worldbank.org/country/Georgia.

14   Cf. *Parliament Approves 2015 State Budget*, Civil Georgia, 12 December 2014, at: http://www.civil.ge/eng/article.php?id=27906.

15   Cf. Dan Alexander, *Ex-Soviet States Dominate List of Countries Where Billionaires Have Most Control*, Forbes, 14 March 2014, http://www.forbes.com/sites/danalexander/2014/03/14/ex-soviet-states-dominate-list-of-countries-where-billionaires-have-most-control.

16   Cf. ibid.

In contrast to the Russian oligarchs, Ivanishvili's business interests are mostly outside his own country. Yet this does not make the political effects of his economic power any less problematic. This is the structural problem of "autonomous power centres" or "autonomy from citizens".[17] Shortly after the 2013 presidential election, Ivanishvili resigned as prime minister and officially left politics. He has promised that he plans to control his government from within civil society, and has established an NGO for this purpose.

Ivanishvili is now entirely unaccountable to the Georgian electorate. Yet his fortune allows him to establish capacities that are autonomous from state and society, and to use these to informally control the state. Ivanishvili's informal power is manifest in various ways, most strikingly in his attitude towards the current president. President Margvelashvili has criticized several decisions made by the government, even using his veto, which was strongly criticized by Ivanishvili. Ivanishvili admits that, since stepping down, he has maintained informal contacts with the new president, only to be disappointed by him.[18] Representatives of the government make no secret of the fact that they frequently seek advice from the former prime minister.[19]

Ivanishvili's autonomous power base poses a challenge for the consolidation of democracy in Georgia. The key features of his autonomy are as follows: First, Ivanishvili possesses resources equivalent to one third of Georgia's GDP and exceeding the government's annual expenditure. Second, these resources originate outside Georgia and are therefore removed from oversight by the Georgian state or Georgian society. As a result, Ivanishvili has a relatively free hand to deploy his resources to influence Georgian politics by funding either the current government or potential alternatives.[20] This undermines the independence of the state from non-state actors in general, increasing the risk of state institutions coming under their informal control.

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17 The concept of "autonomy from citizens" is used in reference to rentier states. This concerns a situation in which "the state apparatus, and the people who control it, have a 'guaranteed' source of income that makes them independent of their citizens (potential taxpayers)". Mick Moore, Revenues, State Formation, and the Quality of Governance in Developing Countries, in: *International Political Science Review* 3/2004, pp. 297-319, here: p. 306. For the application of this concept to Georgia, see: David Aprasidze, Democratization's Vicious Circle or How Georgia Failed to Change, in: *Connections* 4/2014, pp. 65-72.

18 Cf. *Ex-PM Ivanishvili "Disappointed" in Margvelashvili*, Civil Georgia, 18 March 2014, at: http://www.civil.ge/eng/article.php?id=27048.

19 Cf. PM: I ask Ivanishvili for Advice on Important Strategic Issues, in: *Tabula*, 24 July 2014, at: http://www.tabula.ge/en/story/86095-pm-i-ask-ivanishvili-for-advice-on-important-strategic-issues.

20 This is how Ivanishvili's NGO "2030" is often seen. The organization employs dozens of experts, some of whom have been appointed to positions in the government.

The next parliamentary elections in Georgia are due to take place in 2016. This raises the question of whether the country will be able to pass Samuel Huntington's "two-turnover" test of achieving two consecutive peaceful transfers of power.[21] Despite the issues highlighted above, other internal factors suggest that the further consolidation of democracy in Georgia will be possible.

In the first instance, the 2012 parliamentary elections amounted to a sea change in Georgia. For the first time, the various groups within the political elite were confronted with the need to co-operate. While the new coalition had overall control of the parliament and was able to form a government, President Saakashvili still had broad constitutional powers, including executive powers. The cohabitation between the GD-controlled government and parliament, on the one side, and the UNM president, on the other, did not lead to a political stalemate. Instead, both sides agreed to compromise and, despite major disagreements, they were able to reach agreement on specific questions.

Second, the GD coalition does not have the necessary parliamentary supermajority to amend the constitution and has thus not been able to change it as it would have liked. While it has increased its majority thanks to the support of a number of former UNM members, it has failed to achieve the majority necessary to amend the constitution, and has also suffered a number of losses, foremost among them the departure of former defence minister Alasania's Our Georgia – Free Democrats MPs from the coalition. The coalition currently relies on the co-operation of the opposition. As a result, the parliament continues to sit in Kutaisi – Georgia's second-largest city. The coalition would like it to return to Tbilisi, but the opposition is unwilling to support the necessary constitutional amendment.

Third, despite being under enormous pressure since 2012, the UNM has survived as a party and has even managed to cement its position as the main opposition. In Georgia's dominant-power system, no governing party had previously survived such a defeat. Zviad Gamsakhurdia's Round Table – Free Georgia coalition collapsed as soon as he was driven from office in the coup of 1992. Eduard Shevardnadze's Union of Citizens disappeared from the political stage following the Rose Revolution in 2004. By contrast, the United National Movement survived its removal from power and appears to be capable of adapting.[22]

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21   Cf. Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century*, Norman, OK, 1991, pp. 266-267; cf. also Stephen F. Jones, *Democracy in Georgia: Da Capo?* Cicero Foundation Great Debate Paper No. 13/02, April 2013, at: http://www.cicerofoundation.org/lectures/Stephen_Jones_Georgia.pdf.

22   According to an opinion poll, 16 per cent of voters support the UNM. This puts the opposition party in second place behind the GD coalition, which is supported by 24 per cent. Cf. National Democratic Institute (NDI), *Public Attitudes in Georgia. Results of an April*

Finally, Georgia now has a parliamentary system. With the entry into office of the new president in 2012, constitutional changes came into effect that had already been elaborated by a state commission during Saakashvili's presidency. The changes transformed the political system from a super-presidential model to one in which the parliament and prime minister have greater power. The prime minister is the most powerful actor in the new system. He or she is elected by the parliament and is not accountable to the president. At the same time, the president is still elected directly, and thus continues to have a key political role. The president maintains a number of powers that include the appointment of senior civil servants with responsibility for foreign and security policy. Thus, in Georgia, executive power does not rest in the hands of a single individual, but is shared.

The constitutional reforms also changed the supermajority required to amend the constitution. Future amendments will now require 113 of 150 parliamentary votes and not 100 as before. Given the current division of the political landscape, a constitutional supermajority is very unlikely. This is likely to encourage cross-party co-operation on major bills.

Summary

Since 2012, Georgia has found itself at a crossroads. The second attempt at a democratic breakthrough (the first being the 2003 Rose Revolution) has left the impression that the country is trapped in a cycle of semi-authoritarianism and a democratic grey area. Evidence of this is provided by the fact that, despite free and fair elections, the system continues to be dominated by a single party. Just as the UNM enjoyed absolute power in Georgia from 2004 until 2012, the GD coalition is now the sole party in power throughout the country. Georgia also continues to be troubled by the problem of autonomous power bases. The richest individual in the country, former prime minister Ivanishvili, remains the most powerful political figure in Georgia, ruling from the sidelines despite having left office. Ivanishvili's fortune is immense in Georgian terms. It enables him to act autonomously from the Georgian state and electorate and, when necessary, to buy the loyalty of state actors and others.

At the same time, Georgia has made progress in a number of areas. In 2012, a first peaceful transfer of power via elections did take place. While the party that was voted out, the UNM, continues to find itself under enormous pressure, it has not collapsed in the three years since its defeat and has even managed to establish itself as the main opposition party. The reformed constitution requires a three-quarters majority in parliament for constitutional amendments. This raises the hope that political parties will be forced to work together in the future more than before. Since the entry into office of the new

2015 survey carried out for NDI by CRRC Georgia, at: https://www.ndi.org/files/NDI Georgia_April 2015 Poll_Public Political_ENG.pdf.

president in 2013, Georgia has had a dual executive – with the prime minister in the key position and the president as directly elected head of state. This institutional check will make it harder for the government to concentrate power in its hands. The next parliamentary elections in Georgia are due in 2016. At that point it will become clear which path Georgia is actually taking – that of transition or merely the next circuit of the cycle.

Ghaffor J. Mirzoev

The Relationship between Religious and National Elements in the Social Consciousness of Tajiks

Historically, Islam has meant more to Tajiks than to the other peoples of Central Asia. In other words, Islam has played a greater role in the culture and way of life of the Tajik people (a key role, one could say) than in the cases of neighbouring nomadic peoples. This is precisely one of the reasons why Islam has undergone a revival in the period since independence. At present, 98 per cent of Tajikistan's population practise Islam, or at least consider themselves Muslims. The vast majority of believers belong to the Hanafi school of the Sunni branch of Islam, which became the official religion in the region during the time of the Samanids in the 9th and 10th centuries. The Hanafi school is distinguished from the other Sunni legal schools by its greater rationality and flexibility, which opens up a broad range of opportunities for the development of national elements within Islamic culture. In addition, Ismailism, a branch of Shia Islam, is practised by many residents of the Gorno-Badakhshan Autonomous Region (GBAR). The local version of Ismailism is rather eclectic and flexible, with many peculiarities compared to other Ismaili communities. It gives priority to the spiritual perfection of the individual over theology and formal rituals and is known for its tolerance. In addition, in several villages in the Darvoz District of the GBAR, there are small communities of Imamites (also known as Twelvers), adherents of the most widespread form of Shia Islam in the Muslim world. Historically, an atmosphere of mutual understanding and tolerance in religious life in Tajik society has prevailed between these two main religious currents, the Hanafi school of Sunni Islam, on the one hand, and the Ismaili version of Shia Islam, on the other. In our opinion – and this has been supported by other scholars – this is because the main disagreements and conflicts between these two schools were resolved earlier thanks to serious efforts undertaken by authoritative representatives of both sides at public meetings known as Dar-ut takrib. This speaks to the usefulness of dialogue and constructive debate between representatives of different religious currents on doctrinal matters and is why there have been no conflicts or major friction between Sunnis and Ismaili Shiites over matters of religion. Friendly relations between the country's political leadership and the leader of the Ismaili world, Aga Khan IV; the country-wide celebration of the 1,000th anniversary of the birth of Nasir Khusraw, an Ismaili scholar; and the construction of a cultural centre in the capital for Ismailis are just some of the evidence of the atmosphere of peace and tolerance that exists between these two currents. By contrast, representatives of the recently emerged Salafi movement exhibit a negative attitude to-

wards both traditional Islam and Ismailism. Both spiritual leaders and intellectuals have spoken out against Salafism in the Tajik media.

It is precisely the relationship between the religious and national elements in the consciousness of the population of Tajikistan that these discussions characteristically focus on and which is also their starting point. In this respect, determining the place of religion in the context of the national culture of these peoples, as well as in the formation of their national identity, is thus significant today both in theory and in practice. And this was also of great importance in the revival of national culture during the course of the creation of nation-states. And it was precisely the question of religious consciousness and its place in national culture, as well as in the formation and development of national identity, that was neglected in the fields of religious and cultural studies in Tajikistan during the Soviet period. As a result, this question is currently becoming the subject of intense debate and controversy in certain groups within society today.

When it comes to the relationship between the religious and national elements in public consciousness, determining Islam's relationship to the concept of the nation takes on particular importance. In Islam, there is the concept of the *ummah*, or the *ummat al-Islamiyah*: the community of all Muslims. The Islamic conception of a community of people is of a community of faith and belief. In Islam, the dominant principle is that of Muslim brotherhood, while there is no such concept as "nation". In Islamic doctrine, the word *millat* (nation) means direction, path, current, and religion. Islam is respectful and tolerant of the existence of communities of human beings in the form of tribes, peoples, races, nations, etc. It considers ethnic differences to be divine will and does not have a preference for one group over any other. Ethnicity, national identity, skin colour, and other characteristics have no particular importance for Islam, though they are recognized. Preference is given to people only in terms of the degree of their piety and faith; as far as national identity and ethnic origin are concerned, all people are equal before God.

The Quran says: "O mankind, We have created you male and female, and appointed you races and tribes, that you may know one another. Surely the noblest among you in the sight of God is the most godfearing of you. God is All-knowing, All-aware."[1]

In the area of interethnic relations as well, Islamic doctrine is based on the principles of humanism and justice. In the religion's primary sources, the Quran and the Hadith of the Prophet Muhammad, believers are encouraged to be fair and just in their relations with representatives of other faiths and religions. When necessary, they should help and support one another. An exception is made only in respect of those who are at war – on religious grounds or seeking conquest – with the Muslims:

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1   *The Quran*, 49:13, The Dwellings, Arberry version.

"God forbids you not, as regards those who have not fought you in religion's cause, nor expelled you from your habitations, that you should be kindly to them, and act justly towards them; surely God loves the just."[2]

The history of Islam is full of examples of Muslims living together in peace and harmony with representatives of other faiths and various peoples. At the same time, there have been many episodes where Islam has been a factor in ethnic and religious strife. However, proper analysis of these situations makes clear that, in the majority of cases, the religious element was not the cause of the strife, but rather a pretext for it. The inherent features of religion imply that it can easily be used by certain groups, especially radicals, for their own purposes. This mainly happens when members of a faith community, including Muslims, have a low level of religious education and when their religious awareness is intertwined with superstition. Another reason for this is that the tendency towards ambivalence inherent to all world religions is particularly marked in Islam. In Islam this takes the form of an ability to justify something while, at another time and in another place, justifying its polar opposite. However, this does not mean that Islam applies double standards, but rather the opposite, that the solutions it offers take into account socio-historical circumstances. Consequently, there is a field of Islamic scholarship called *tanzil* (the study of the revelation of the Quran's verses), which bases its interpretation on the specific circumstances of the revelation of the verses of the Quran. In their ignorance, however, ordinary believers and some spiritual interpreters can fail to take this into account and are thus manipulated by radicals. This is especially prevalent in light of the communication technologies available in the age of globalization. All of this shows the multifaceted nature of Islamic doctrine, but to use these interpretations faithfully, one has to proceed from specific historical situations in the development of society.

Although the national community is not particularly important in Islam, it has indirectly played a major role in the formation of the religion. One of the characteristic features of world religions is polymorphism, and this can be seen very clearly in Islam. Polymorphism allows the various cultural and ethnic values of different peoples and ethnic groups to appear within one and the same religious system. It was precisely this feature that allowed the world's religions to expand beyond individual tribes and states and spread among various peoples and nations. In this way, national traditions and customs mix with religious beliefs and are expressed in the context of national culture.

It was this universalism that allowed Islam to absorb local traditions, where they do not fundamentally contradict the basic canons of the religion and where they comply with the requirements of the time. Although the mixing of the national cultures of Tajiks, Uzbeks, Turkmen, Azeris, Tatars, and many others with Islamic values was a complex and ambiguous process,

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2   *The Quran*, 60:8, The Women to Be Examined, Arberry version.

these cultures advanced to a higher stage of development as a result. Moreover, not only did these cultures not lose their identity, but they were also given a new impetus for further development and improvement. They enriched Islam, and they received a great deal from Islam in return. This is why Islamic religious elements often appear alongside national elements.

As we have already noted, one of the factors that led to a revival of religion in Tajikistan during the period of independence and the creation of a democratic society was its role in the formation of national consciousness, especially among young people. Although this issue has been given little attention in Tajik scholarship, the role of religion in the formation of national consciousness was evident in Tajik society from the first days of independence. Following the disintegration of the Soviet Union and of the unified international community known as the Soviet people, the national consciousness of the citizens of the newly formed states was raised to a new level, and interest grew in national roots and traditions. Against this background, it was entirely logical and understandable that there would be a surge of people, especially from the younger generation, turning to traditional religion, which experienced a revival, and thus played a greater role in the formation of national consciousness.

In addition, threats stemming from globalization processes, which have a strongly Christian and particularly American orientation, are also having an impact on the convergence of Muslims' national and religious consciousness. The same can be said about labour migration, which has become an everyday part of life for the people of Central Asia. By performing its compensatory, regulatory, and other inherent social functions, religion can alleviate problems and help Muslim labour migrants adapt to new conditions in life. It may even sometimes act as a means of preserving their identity. These factors promote the growth of religiosity among migrants.

It is against this background that it is important to determine the relationship between religious and national elements in Tajik culture. Doing so would make it possible to develop effective methods for the active inclusion of the population in the process of creating a democratic and fully-fledged civil society based on the rule of law. At the same time, one must also consider that in most of the Central Asian countries – and in Tajikistan in particular – religious consciousness remains the dominant and most popular form of consciousness among the indigenous population, whose principles of morality, law, family life, aesthetics, and more are derived from their religion. Islamic principles are embedded in customs and traditions and have an impact on the behaviour of family and community members, as well as on the types of relationships that exist between them. In Tajik families and their daily life, we can see modern legal rules being synthesized with Islamic ethics and law. Even the Family Code of the Republic of Tajikistan covers not only modern legal regulations, but also takes into account the mindset and religious traditions of the Tajik people. However, the main problem in

Tajikistan and other Central Asian states remains the question of whether they will be able to keep this religious factor under control and use it constructively. That is to say, is it possible to avert aggressive religious radicalism and prevent various groups and movements within the country and abroad from using religion for their own selfish and arrogant goals? The practice of recent decades in these republics and the experience of several developed Muslim countries such as Turkey, Malaysia, and Indonesia show that using the positive potential of Islam in a modern democratic society based on the rule of law is a realistic possibility. To do this, it is first necessary to examine and correctly identify the causes of the current Islamic revival, to determine the place and role of religion in the national culture of the peoples being studied, and to identify points of compatibility between Islamic principles and tenets and the democratic norms of modern society. In this way, it is possible to determine the nature of the transformation of religious consciousness and its specific features in the period of social transition these countries are in.

Thus, the post-Soviet period of development of the independent states of Central Asia has been characterized by the revival of Islam and by a significant increase in the influence of religion on almost all spheres of public life. Islam, which was virtually driven underground in the Soviet era, has, in a relatively short time, become a serious force, including in the field of politics. Although nearly all of these republics are, in constitutional terms, secular states, the authorities, without exception, have to deal with the revival of Islam – whether they want to or not. A particularly acute problem for these republics is the issue of the relationship between religious and national consciousness, as democratic processes and the establishment of genuine national sovereignty depend, to a large extent, on resolving this issue.

In analysing the relationship between religious and national identity, we have to define the outline and the features of the concept of national consciousness. The term "national consciousness" has only recently begun to be used in academic circles. Although some scholars identify it as a specific form of consciousness, we believe that it is most likely a set of theoretical and everyday views concerning the nature of nationality and of the nation-forming processes taking place in society. If we were to take this as a whole, it would cover the social, political, moral, aesthetic, religious, and other views that characterize the content and features of the spiritual development of a particular national or ethnic group.

National consciousness is primarily formed on the basis of national values, with national identity at its core. A nation's self-consciousness is the intra-group identification of the members of that cultural collective, who recognise their own identity and particular shared features. The main elements of a national or ethnic identity are awareness of a common history, culture, and psychology. Thus, in analysing the relationship between national and religious elements in the formation of the spiritual life of a society, it can be

concluded that the common opinion in Tajik academic circles that religion, and especially world religions, cannot play a positive role in the formation of national identity is not quite right. This is a point of view that gained momentum at a time when, for purposes of atheistic propaganda, religion was seen as being in opposition to all that was considered national. Although Islam is a world religion for which national and ethnic features are of little importance, it has played a particular role, as we have already noted, in the formation of national culture in various ways. The influence of Islam has been particularly strong at the level of the everyday consciousness and psychology of its adherents. For a Tajik, for example, the concepts of "being a human being" and "being a Muslim" are practically identical. This is because, for Tajiks, Islam is not just a religion but rather a way of life.

Thus, in analysing the specific features of Islamic doctrine in respect of national consciousness and national entities, we believe that the religious consciousness of Muslims plays a specific role in the formation of the national values and national culture of its adherents.

The identities of national and religious communities of Muslims in Central Asia are also being examined and taken into consideration in neighbouring countries. For example, in studying the place and role of Islam in contemporary Kazakh society, Alma Sultangalieva, a scholar of Islam from that country, concludes that, although the influence of Islam on the life of Kazakhstan's nomadic population is much weaker than on neighbouring peoples – Tajiks and Uzbeks – Islam is nonetheless one of the elements in their ethnic identity. Here is what she had to say on the issue: "Historically, Islam was not a form of social organization for Kazakhs, but it has been one of the elements of ethnic (ancestral, tribal) affiliation. In this respect, it would hardly be correct to speak of the existence in the past of a traditional Islamic system of politico-legal and socio-cultural norms that regulated social and political life."[3] In her opinion, and in the opinion of numerous other scholars, Islam played a positive role in the consolidation of the Kazakh nation in recent history. It was instrumental in the formation of Kazakh ethnic identity, and it can play a positive role in contemporary processes related to the development of the nation.

Thus, for many of the peoples of Central Asia, Islam provides the ideological basis for all kinds of customs and traditions. Many popular and national customs and traditions have Islamic elements, while Islamic customs and traditions have also taken on a popular or national character.

As the key cultural element regulating the existence and development of other cultural components, Islam is of great importance in the life of the countries in the region and regulates many types of social relations. Alongside state institutions and secular laws, Islam determines both the behaviour

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3   Alma Sultangalieva, Tsentralnaya Aziya i islamskii mir [Central Asia and the Muslim World], in: *Kazakhstan i mirovoe soobshchestvo* [Kazakhstan and the World Community] 3/1995, pp. 50-57, here: p. 51 (author's translation).

and attitudes of people and also which faith-based organizations are involved in public life. Tajikistan is the only Central Asian republic where a religious political party has been officially registered and had a representative in the country's parliament. Religious associations not only perform their direct functions, such as religious rituals, but also take part in all kinds of cultural and spiritual activities, and sit on the Committee for Religious Affairs and Regulation of National Customs and Traditions. The very same pattern of relations between religious and national culture can be seen in the neighbouring republics of Kyrgyzstan and Turkmenistan. It is therefore essential to take this into account when making decisions regarding socio-economic problems.

Thomas Kunze/Michail Logvinov

Islamist Threats to Central Asia

The End of ISAF

On 31 December 2014, the NATO-led International Security Assistance Force (ISAF) mission in Afghanistan officially ended combat operations. The very next day saw the launch of the follow-up "Resolute Support Mission" (RSM), which is also led by NATO. The new security arrangement with the Afghan government amounts to more than a change of name. Following ISAF's withdrawal, only 13,195 troops remain (from 87,207 in August 2013).[1] The remaining troops come from 42 countries, with the largest contingents being provided by the USA (6,839), Georgia (885), and Germany (850). After responsibility for security assistance and the defence of Afghanistan was handed over to local Afghan security forces, NATO units assumed the function of trainers and military and security consultants.[2] The NATO defence ministers had decided in June 2013 that the troops should no longer perform combat roles.[3]

The security situation in Afghanistan remains precarious. While the Taliban has been weakened by the international operation, they have not gone away. Whether local security forces can meet the challenge they present is highly questionable. Afghan troops are generally considered to be poorly trained, and levels of desertion are high. Casualties among security forces, already considered to have reached critical levels in the first two quarters of 2014, were half as high again in the first half of 2015, with ca. 4,100 Afghan soldiers and police being killed and more than 7,800 wounded.[4] There does not appear to be sufficient political stability to exclude the possibility of the government being overthrown or at least having its authority critically undermined.

Note: Based in part on: Thomas Kunze/Michail Logvinov, *Central Asia Facing ISAF Withdrawal from Afghanistan. Islamist Threats and Regional Solutions*, KAS International Reports 12/2013, pp. 45-68.

1   Cf. NATO, *International Security Assistance Force (ISAF): Key Facts and Figures*, 1 August 2014, at: http://www.nato.int/isaf/docu/epub/pdf/placemat.pdf.

2   Cf. NATO, *Resolute Support Mission (RSM): Key Facts and Figures*, at: http://www.nato.int/nato_static_fl2014/assets/pdf/pdf_2015_06/20150622_2015-06-RSM-Placemat.pdf.

3   Cf. Karen Parrish, NATO Defense Ministers Set Post-2014 Afghanistan Mission, American Forces Press Service, Brussels, 5 June 2013, at: http://archive.defense.gov/news/newsarticle.aspx?id=120218.

4   Cf. Joseph Goldstein, Afghan Security Forces Struggle Just to Maintain Stalemate, in: *New York Times*, 22 July 2015, at: http://www.nytimes.com/2015/07/23/world/asia/afghan-security-forces-struggle-just-to-maintain-stalemate.html.

The withdrawal of ISAF creates security challenges for Afghanistan's neighbours, the post-Soviet states of Central Asia. While the secular rulers of the largely authoritarian states of Central Asia keep the Islamist danger in check, fear of Islamist terror is growing. There is a real if latent danger that radical Islamist groups could exploit Afghanistan's power vacuum and that Islamist terror could spread to the countries of Central Asia. If Afghanistan once again becomes a breeding ground for radical Islamist terrorism, this could also destabilize Central Asia's authoritarian secular regimes.

Islamist groups in Central Asia have tried to overthrow governments before. During the Soviet-Afghan War of 1979-1989, they fought alongside the Mujahideen, out of whose ranks the Taliban later emerged, against the "Godless Soviets". Following the collapse of the Soviet Union, several states and organizations in the Muslim world established missions to reach "forgotten Muslims". Activities of this kind were undertaken by Saudi Arabia, the Turkish *Nurcular* Brotherhood, and organizations in Pakistan, among others. They provided financial and "moral" support. Persophone Tajikistan was able to rely on the help of Iran. Although the population of the former Soviet Central Asian republics largely rejected militant Islamism, Islamist groups such as the Islamic Movement of Uzbekistan (IMU) were able to recruit sufficient supporters to successfully carry out terrorist attacks in Central Asia that were led from Afghanistan. The effectiveness of the militant Islamists was in no small part due to the support they received from the Taliban and Al-Qaida.

Central Asia, the Caucasus, and the Chinese province of Xinjiang, which is home to many Muslim Uyghurs, play key roles in Al-Qaida's strategic calculations. The terrorist network recruited Chechens, Tajiks, Uzbeks, and Uyghurs for its fight against the Northern Alliance and US forces in Afghanistan.[5] Osama Bin Laden is said to have written a letter to the Taliban leader Mullah Omar in 2002 in which he stressed the vital importance of Central Asia in the "jihad".

Afghanistan is increasingly functioning as a safe haven and transit country for citizens of Central Asian states seeking to join terrorist militias such as the so-called Islamic State (IS) and to gain combat experience. Several thousand individuals are believed to have moved to Afghanistan in the last few years from the secular post-Soviet states of Central Asia. If these radicalized migrants were to return to their home countries of Kazakhstan, Uzbekistan, Kyrgyzstan, Tajikistan, and Turkmenistan, it could develop into a threat to the security and stability of the region. The politically decisive question is whether these countries are willing to intensify their co-operation as required by the new security environment. Either the Russia-led Collective

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5   Cf. Michael Scheuer, Central Asia in Al Qaeda's Vision of the Anti-American Jihad, 1979-2006, in: *China and Eurasia Forum Quarterly* 2/2006, pp. 5-10.

Security Treaty Organization (CSTO) or the Shanghai Cooperation Organisation (SCO), which is dominated jointly by Russia and China, could play a key role in this, assuming the member states share a similar assessment of the security situation.

The Ferghana Valley: Breeding Ground of Central Asian Islamism

Uzbekistan deserves particular attention. The country is an anchor of stability in the region. There have seen several outbreaks of violence in the Ferghana Valley, which is shared by Uzbekistan, Kyrgyzstan, and Tajikistan and densely inhabited by a variety of ethnic groups. During Soviet times, the underground Islamist organizations that ultimately became the IMU terrorist organization were already present in the Ferghana Valley. The IMU was established by Tahir Yuldashev and Juma Khojaev (aka Juma Namangani) in the early 1990s. Because of the government's commitment to secularism, the Uzbek state became the declared enemy of the IMU. The former mullah of Namangan, Yuldashev was considered a gifted organizer with a charismatic personality. He sought to establish a theocracy. Namangani learned to fight during the Soviet-Afghan War.[6]

In 1991, this pair moved to challenge the Uzbek government. An agitated mob stormed government offices and public buildings in Namangan. The Uzbek president, Islam Karimov, was able to end the unrest, initially using negotiations and then applying force. Yuldashev and Namangani fled to Tajikistan, and later to Afghanistan and Pakistan. It has been claimed that the Pakistani intelligence service provided Yuldashev with financial support and helped him to hide: "From 1995 to 1998 Yuldashev was based in Peshawar, the center not only of Pakistani and Afghan Islamic activism but also of pan-Islamic jihadi groups. Here he met with the 'Arab-Afghans' […] who were later to introduce him to bin Laden […]."[7]

The IBU later split, with some members founding the Islamic Jihad Union (IJU). Both groups have their bases of operations in Afghanistan and Pakistan. Some of the members of these militant groups support the "holy war" being waged in other countries. The IBU was certainly supported by Al-Qaida and the Taliban, as well as other organizations (*Harakat ul-Ansar* and *al-Jihad*). It may even have been Osama bin Laden's initiative to establish an Uzbek jihadist group to combat the Karimov regime.[8]

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6   "He is essentially a guerilla leader, not an Islamic scholar and he is easily influenced by those around him, such as today he is influenced by the Taliban and Osama bin Laden. […] He is a good person but not a deep person or intellectual in any way, and he has been shaped by his own military and political experiences rather than Islamic ideology, but he hates the Uzbek government […]", according to a high-ranking member of the Islamic Renaissance Party of Tajikistan (IRPT), in: Ahmed Rashid, *Jihad. The Rise of Militant Islam in Central Asia*, Yale 2002, p. 143.
7   Ibid., p. 140.
8   Cf. ibid., p. 148.

Following the arrest by German police of three IJU members in the Sauerland area of the state of North Rhine-Westphalia, security experts had to acknowledge that terrorism originating in Central Asia had become an immediate threat to Germany. For their part, Namangani and Yuldashev, the former leaders of the IBU, no longer pose a threat. Namangani was killed in a US operation in northern Afghanistan in 2001. According to the Pakistani secret service, Yuldashev was killed in 2009 in a US drone attack in South Waziristan, a mountainous region of Pakistan near the Afghan border. Before his death, the intimate of Osama bin Laden had made a DVD on which he threatened attacks on the presidents of Uzbekistan, Kyrgyzstan, and Tajikistan: "Karimov, Bakiev, and Rakhmonov had better remember that they will be punished for their persecution of the Muslims – in this life as well as before the judgement of heaven".[9]

In September 2014, the current leader of the IBU, Usman Ghazi, pledged his support to the terrorist militia in Syria and Iraq. The IMU has begun to transform itself into an umbrella organization that encompasses groups such as *Jamaat Ansarullah*, which was founded by IMU supporter Amriddin Tabarov in 2010 and is recruiting people from Tajikistan to fight in Syria.[10] The IMU also began recruiting for IS in the Ferghana Valley. It further acts as a bridge for Uyghur extremists in western China seeking to gain combat experience in Afghanistan or Pakistan. The IMU is not entirely without self interest in this, as it benefits from new sources of income and growing support for its campaign in Central Asia.[11] Recently (August 2015), reports have been circulating according to which the IMU has dissolved itself, placing its structures under the control of IS.[12]

Islamist terrorists have carried out several attacks in various parts of Uzbekistan in recent years. In February 1999, six bombs exploded in Tashkent killing 16 people and injuring more than 100. The IMU are believed to be responsible for the attack. The IMU wishes to bring about the establishment of an Islamic state in Uzbekistan and the release of Muslims held in Uzbek prisons. According to an IMU declaration, issued on 25 August 1999, the Emir of the Islamic Movement of Uzbekistan and chief commander of the Mujahideen, Muhammad Tahir Farooq, "has announced the start of the Jihad

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9   Peter Böhm, Comeback der Islamisten [Comeback of the Islamists], in: *Südwind* 12/2006 (author's translation), at: http://www.suedwind-magazin.at/comeback-der-islamisten.
10   Cf. International Crisis Group, *Syria Calling: Radicalisation in Central Asia*, Crisis Group Europe and Central Asia Briefing No. 72, Bishkek/Brussels, 20 January 2015, p. 6, at: http://www.crisisgroup.org/en/regions/asia/central-asia/b072-syria-calling-radicalisation-in-central-asia.aspx.
11   Cf. ibid. pp. 6-7.
12   Cf. Merhat Sharipzhan, *IMU Declares It Is Now Part Of The Islamic State*, Radio Free Europe/Radio Liberty, 6 August 2015, at: http://www.rferl.org/content/imu-islamic-state/27174567.html; *RIA Novosti*, "Islamskoe dvizhenie Uzbekistana" zayavilo o prisoedinenii k IG ["Islamic Movement of Uzbekistan" Declares Membership of IS], 6 October 2014, at: http://ria.ru/world/20141006/1027067431.html.

against the tyrannical government of Uzbekistan".[13] In March and April 2004, women wearing explosive belts and armed men carried out further attacks on police stations in Tashkent and Bukhara. These left 33 terrorists dead, alongside ten police officers and four civilians. In July 2004, two bombs exploded near the US embassy in Tashkent, killing two Uzbek guards. All these attacks were claimed by the IJU.

To this day, social discontent and opposition to secular rule continue to play into the hands of militant Islamists in the Ferghana Valley. Russian security agencies estimate that between 500 and 2,500 of the 4,000 Central Asians fighting for IS come from the area. The largest single group consists of Uzbeks from both Uzbekistan and from Kyrgyzstan, the latter largely from the region around Osh. One reason for the participation of so many Uzbeks is the outbreak of violence against ethnic Uzbeks in Kyrgyzstan in 2010, in which over 400 people died. Uzbeks in Kyrgyzstan are often too scared of being ostracized or blackmailed to ask the state for help when they observe that their neighbours or family members are becoming radicalized. The political and economic marginalization of ethnic Uzbeks in Kyrgyzstan is a further contributing factor. This plays into the hands of radical groups such as *Hizb ut-Tahrir* (the "Party of Liberation").

Tajikistan's Struggle over Secularism

According to the former head of the Kyrgyz security service, Kalyk Imankulov, a terrorist network going by the name of the Islamic Movement of Central Asia (IMCA) had been established as early as 2002.[14] Groups involved in this include the IMU, as well as the "Islamic Movement of East Turkestan", an amalgamation of Kyrgyz, Kazakh, Afghan, Chechen, Uzbek, and Uyghur fighters. The network's goal is the establishment of a state under Islamic law from the Caucasus to Xinjiang. The founding of a "Central Asian Caliphate" encompassing Uzbekistan, Tajikistan, and the Kyrgyz Republic is intended as the first step towards uniting all the Muslims of Central Asia in an Ummah (community of Muslims as an "Islamic nation"). The second stage of the ICMA's plan is the expansion of this theocracy into the neighbouring territories of Kazakhstan, Turkmenistan, and north-western Chinas. Many supra-regional Islamist organizations are active in Central Asia. The largest and most significant is the Islamic Renaissance Party (IRP), which was founded in the Russian city of Astrakhan in 1990. It has gained particular prominence in Tajikistan.

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13 The Call to Jihad by the Islamic Movement of Uzbekistan, in: Rashid, cited above (Note 6), Appendix, pp. 247-249 .
14 Cf. Sergei Blagov, Moscow on alert for Muslim militancy, in: *Asia Times Online*, 19 September 2002, at: http://atimes.com/atimes/Central_Asia/DI19Ag01.html.

From 1993 to 1997, Tajikistan was in the throes of a bloody civil war between secular and Islamist forces in which some 100,000 people lost their lives. Following the conclusion of a peace accord in 1997, Tajik Islamists and secularists agreed to co-operate. In this way, the Tajik branch of the IRP, the Islamic Renaissance Party of Tajikistan (IRPT) distanced itself from other Islamist organizations, becoming the only legal political party in Central Asia with a "religious mandate". While the IMU was becoming an international terror network and ultimately part of the international Islamist movement, the IRPT was being transformed from armed opposition into a legal party with a stake in Tajikistan's constitutional development. However, this did not end the tension. The president of Tajikistan needed to perform a difficult balancing act. On the one hand, his government was attempting to suppress Islamist movements before they gained a foothold, which also led to "collateral damage" as non-Islamist opposition forces fell under general suspicion. At the same time, the officially registered IRPT must be granted the rights guaranteed it in the 1997 peace accord. Although it is still the only legal Islamist political party in Central Asia,[15] the significance of the IRPT has been declining for years. For a while now, radical party members have been accusing the party's leadership of capitulating to secularism. The government has also succeeded in marginalizing the party, classifying it as "fundamentalist" since 2011.[16] The IRPT is no longer represented in Parliament since the most recent (2015) election.

The vacuum left by the decline of the IRPT has made it easier for radical groups to gain ground in Tajikistan. The most significant of them is *Hizb ut-Tahrir*, which has also gained a foothold in other Central Asian countries.

Founded in East Jerusalem in 1953, *Hizb ut-Tahrir* was initially active in the Middle East as an offshoot of the Muslim Brotherhood. It later expanded its radius of action, becoming a transnational network. *Hizb ut-Tahrir* is proscribed in a number of countries, including Germany. In the 1980s, the organization was already successfully smuggling propaganda texts into the Central Asian Soviet Socialist Republics. The first cells began to operate in the Ferghana Valley. From this starting point, *Hizb ut-Tahrir* began to spread into other parts of Central Asia. Since the Central Asian population had little knowledge of either the Arabic language or the group's ideology, *Hizb ut-Tahrir* needed to adapt rapidly to local conditions, and translations of party literature and propaganda leaflets began to emerge in the region. Today, *Hizb ut-Tahrir* is the fastest growing Islamist organization in Central Asia – probably in part because it faces almost no competition. *Hizb ut-Tahrir* likes to present itself to the outside world as non-violent. Nonetheless, it openly

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15   This was correct at the time of writing. However, the IRPT was banned in August 2015, cf. Radio Free Europe/Radio Liberty, *Tajik Islamic Party Banned, Given Deadline To Stop Activities*, 28 August 2015, at: http://www.rferl.org/content/tajik-islamic-party-banned/27213877.html.
16   Cf. Tajikistan: Islamic Party Facing Pressure in Dushanbe, in *Eurasianet*, 3 February 2001, at: http://www.eurasianet.org/node/62820.

opposes the secular state, which it would like to see replaced by an "Islamic caliphate", and makes use of aggressive, anti-Western, and anti-Semitic rhetoric. In addition, the organization legitimizes jihad against Israel and the USA, which obviously conflicts with claims of a policy of non-violence. There is thus no shortage of ideological affinities between *Hizb ut-Tahrir* and the IS terrorist militia, which has already claimed the title "caliphate" for itself. *Hizb ut-Tahrir* rejects political compromises, and the only acceptable form of political system is the Islamic state, in which every article of the constitution and every legal opinion should be derived from sharia. *Hizb ut-Tahrir* party literature outlines a three-stage model by which all Muslims are to be united in a modern caliphate based on an interpretation of the historical mission of the prophet Mohammad in founding the first Islamic state: The first phase is to recruit Muslims to take the party's propaganda out into the world. The second requires interaction with the Ummah, working to embed Islam in everyday life, the state, and society. Finally, the third phase describes the process of assuming power and the comprehensive and total introduction of an Islamic political and social system. Starting in Central Asia, Muslims everywhere should rise up and unite to form a caliphate.[17]

There is little reliable information on the number of *Hizb ut-Tahrir* members in Central Asia. Their decentralized cells operate in secret, and they take their security precautions very seriously. Only the leaders of the cells know the identity of their superiors. Experts believe that *Hizb ut-Tahrir* has a streamlined, pyramidal organizational structure built up from "locally based units, regional organizational levels, and a superregional leadership [...] The regional representative is chosen by a central political council at the international level."[18] Experts estimate that *Hizb ut-Tahrir* has some 25,000 members in Central Asia.

In recent years, *Hizb ut-Tahrir* cells have significantly contributed to the radicalization of young Muslims in Tajikistan and Kyrgyzstan in particular. Potential for radicalization also exists in Uzbekistan, but the Uzbek security services use authoritarian means and are thus effective, including their "collateral damage". In Central Asia, *Hizb ut-Tahrir* has been especially attractive to young men, who suffer from very high unemployment rates and a lack of opportunities. It campaigns for a caliphate by distributing literature and CDs in bulk and engaging in online propaganda. There is a great deal of receptiveness to the claim that only an Islamic state can solve the region's social and economic problems.[19] The government in Tajikistan has claimed that Islamists were responsible for several attacks in recent years, including an

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17   Cf. Rainer Freitag-Wirminghaus, Russia, the Islamic Republics of the Caucasus, and Central Asia, in: Werner Ende/Udo Steinbach (eds), *Islam in the World Today*, Ithaca, NY, 2010, pp. 269-296.
18   Ibid. p. 290.
19   Cf. Tajikistan Country Report 2014, in: American Foreign Council, *World Almanac of Islamism 2014*, Lanham, MD, 2014, pp. 709-720.

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assault on a high-security prison in 2010.[20] During a police operation targeting extremists in the Kyrgyz capital Bishkek in June 2015, large amounts of illegal propaganda material encouraging terrorist acts was recovered. It is believed that *Hizb ut-Tahrir* was responsible.[21]

Tajikistan responds with severity to terrorist activities. A good example of this is the major military operation that was carried out following the 2010 assault on the prison. Between September 2010 and November 2011, government forces fought Islamists who had withdrawn to the Rasht Valley. For a short time, the government placed the whole region under the control of the military. During the operation, the soldiers succeeded in neutralizing influential Islamists, and either recaptured or killed the escapees. More than 100 people were killed during this operation.[22] Following the withdrawal of ISAF forces from Afghanistan, Islamists have started to focus on Tajikistan. The Tajik border to Afghanistan is 1,300 kilometres long and hard to secure, particularly along the Panj River, which defines much of the frontier. To this must be added that northern Afghanistan is populated by ethnic Tajiks, and monitoring the cross-border movement of people is difficult. The incursion of Islamist forces into Tajikistan therefore cannot be ruled out. There is already a wave of emigration in the other direction. The Tajik security service estimates that over 400 Tajiks are fighting for IS. The actual numbers could well be much higher. Although fighters are recruited from all over the country, most come from the provinces of Sughd and Khatlon. In September 2014, more than 20 residents of a single village left the country for Syria.[23]

The Response of the Central Asian States

After the defection to IS in May 2015 of no less significant a person than the head of Tajikistan's "OMON" special forces unit, Gulmurod Khalimov, the government in Dushanbe felt forced to act. From then on, any Tajik who joined a terrorist organization abroad would have their citizenship revoked. Ironically, OMON is responsible for anti-terror activities. Khalimov undertook several courses of training in the US and Russia. He also belonged to the unit that was charged with protecting the Tajik president, Emomali

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20   Cf. Andrew McGregor, Radical Islamic Groups in Central Asia and their External Contacts, in: *Central Asia and the Northern Caucasus: Salafis, Shiʿites, and Jihadists*, Dubai, 2014, pp. 105-126 (in Arabic), available online in English in: Aberfoyle International Security, Monthly Archives: October 2014, at: http://www.aberfoylesecurity.com/?m= 201410.

21   Cf. *V 2015 godu v Bishkeke vyjavleno 48 faktov rasprostraneniya idey RJeO «Hizb-ut-Tahir» - GUVD* [City police report 48 instances of propaganda by the religious extremist group "Hizb ut-Tahrir" in Bishkek in 2015], Kyrtag, the Kyrgyz Telegraph Agency, at: http://kyrtag.kg/society/v-2015-godu-v-bishkeke-vyyavleno-48-faktov-rasprostraneniya-idey-reo-khizb-ut-takhir-guvd.

22   Cf. Tajikistan Country Report 2014, cited above (Note 19), p. 714.

23   Cf. International Crisis Group, cited above (Note 10), p. 4.

Rahmon. The new IS recruit has since taken his threats to the internet, now wearing a black headscarf and brandishing a machine gun: "Listen, you American pigs, I've been three times to America, and I saw how you train fighters to kill Muslims […] God willing, I will come with this weapon to your cities, your homes, and we will kill you." He has also threatened Russia, and above all his former homeland, Tajikistan: "Listen, you dogs, the president and ministers, if only you knew how many boys, our brothers are here, waiting and yearning to return to Tajikistan to re-establish sharia law there."[24] He has called upon the people of Tajikistan to join the struggle of IS.

Jihad has also reached Kazakhstan, despite its wealth of resources and relatively high degree of stability in regional terms. During 2011, the number of terrorist attacks and threats against the regime by in the name of a group calling itself the Soldiers of the Caliphate (*Jund al-Khilafah*, JaK), a group based in Pakistan, increased. Following the online publication in several radical forums of an interview with the leader of the JaK's *Zahir Baibars Battalion*, Rawil Kusaynov, on 9 November 2012, experts now know a little more about this new player in transnational jihad. According to Kusaynov, the JaK brigade consists of several battalions, which are active mostly in Afghanistan, but also "in other parts of the world".[25] The truth of this was demonstrated in September and October 2012, when videos were posted in various jihadist forums of attacks carried out on a US base in the province of Afghan province of Khost in June and July. Experts have suggested that the *Zahir Baibars Battalion* is co-operating with the *Haqqani* network, which is affiliated with Al-Qaida. This group keeps a close eye on developments in Kazakhstan and dedicates a large part of its resources to the country.[26] According to Kusaynov, 90 per cent of his battalion's members are Kazakhs, although the cell also includes members of various nationalities.[27] Kusaynov has stated that "we believe that the region of Central Asia, in addition to the Islamic Maghreb […] and Yemen, are candidates to be the nucleus for the return of the Caliphate State in the future".[28] A further video emerged in October 2013, allegedly showing some 150 Kazakhs in Syria.[29] So far, Kazakhstan has avoided harsh measures, hoping that growing prosperity and education will contribute to the struggle against terrorism. Yet this does not mean

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24   Cited in: Dmitry Solovyov, *Commander of elite Tajik police force defects to Islamic State*, Reuters, 28 May 2015, at: http://www.reuters.com/article/2015/05/28/us-mideast-crisis-tajikistan-idUSKBN0OD1AP20150528.

25   Maseh Zarif, *Jund al Khilafah Targets Kazakhstan*, AEI Critical Threats, 15 November 2011, at: http://www.criticalthreats.org/other/zarif-jund-al-khilafah-targets-kazakhstan-november-15-2011.

26   Cf. Bill Roggio, *Kazakh jihadi leader seeks restoration of Islamic caliphate*, in: The Long War Journal, 10 November 2011, at: www.longwarjournal.org/archives/2011/11/kazakh_jihadi_leader.php.

27   Cf. ibid.

28   Quoted in: ibid.

29   International Crisis Group, cited above (Note 10), pp. 3-4.

that Islamists are to be treated with tolerance. Most needs to be done by liberal Kyrgyzstan, which it considers to have the most porous borders, and where airport staff are poorly trained and open to bribery. Suspicious individuals and the incursion of Islamist ideology are systematically ignored.

The Central Asian countries are attempting to arm themselves. Alongside Tajikistan, Kazakhstan and Kyrgyzstan have made fighting abroad and visiting training camps criminal offences. In September 2014, the Kyrgyz parliament drafted a law making participation in armed conflict abroad or visiting a training camp punishable with prison sentences of between eight and 15 years. In addition, from 22 to 24 July 2015, Kyrgyzstan and Tajikistan cooperated with Russia under the title "Barrier-2015" in conducting simulations of crisis situations and joint exercises. The exercises were jointly organized by the Kyrgyz state border service, the general staff of the Kyrgyz armed forces, Tajik border troops, and Russian military experts. The simulated scenario concerned a massive border incursion of terrorists and mass border crossing of local residents during a crisis situation at the border area.[30] The aim of the joint exercise was to improve vertical and horizontal cooperation and communication among the various units.

Common Interests and Combating Terrorism by Means of Trans-regional Organizations

Russia, China, the "West" – i.e. above all the USA and the EU – and the Central Asian countries themselves all have a shared interest in stopping the spread of increasingly totalitarian Islamism, and, with regard to Central Asia, preventing extremists and their Islamist ideology from expanding into the secular post-Soviet states of Uzbekistan, Kyrgyzstan, Kazakhstan, Tajikistan, and Turkmenistan. In this regard, Central Asia acts as a buffer region for Russia and China. However, it appears that the above-named states are only partially aware of their common interests. There is barely any co-operation between the West and Russia. With their relations at a low point thanks to the Ukraine crisis, Russia and the USA would rather compete over global influence and military bases in the region.

Two organizations currently have relevance for Central Asia in terms of security: The Russia-dominated Collective Security Treaty Organization (CSTO), and the China-dominated Shanghai Cooperation Organisation (SCO).

The CSTO was established in May 2002 on the basis of the Commonwealth of Independent States (CIS) Collective Security Treaty, and is sometimes thought of as a kind of "Eastern NATO". Military experts, however,

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30   Cf. Organization for Security and Co-operation in Europe, *Tajik border guards participate for first time at OSCE-supported simulation exercise*, Bishkek, 22 July 2015, at: http://www.osce.org/bishkek/174041.

have criticized the CSTO as merely a "paper tiger" with no future.[31] The main burden of "Operational Reaction" in the post-Soviet area is borne by Russia, which contributes nearly half of the CSTO's budget, and Kazakhstan. While Russia has offered to provide 8,000-10,000 troops for the CSTO's rapid-reaction force and Kazakhstan about 3,000, Tajikistan and Kyrgyzstan have offered 300 apiece. Uzbekistan is yet to offer to provide any manpower at all.[32] Should the negative threat scenarios become reality and Islamist terror spread to Central Asia, the CSTO's collective security system will face numerous problems. For all the CSTO's proclaimed successes in conducting anti-terror exercises,[33] decision-makers in Russia and Central Asia can hardly be serious in describing the planned 13,000-strong reaction force as an agency for "operational reaction". To react rapidly and effectively to attacks by militant Islamists, what the CSTO countries require are well-drilled and highly trained special forces with, above all, the most modern weapons and equipment, capable of rapidly mobilizing and deploying at the location of an attack in support of national security forces.

Nor is the SCO an "alpha predator" in the field of security. Established in June 2001 on the basis of the "Shanghai Five" security arrangement, the SCO declared war on the "three evils" of terrorism, separatism, and extremism[34] and has established a Regional Anti-Terrorist Structure (RATS) in the Uzbek capital Tashkent. Yet the SCO's security architecture remains underdeveloped. There is a lack of clearly defined military structures. Furthermore,

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31   Cf. Aleksandr Khramchikhin, "Bumazhnye tigry" NATO i ODKB [NATO and the CSTO as Paper Tigers), in: *Nezavisimaya Gazeta*, 6 March 2009, at: http://nvo.ng.ru/forces/2009-03-06/1_tigers.html.

32   Cf. Michail Logvinov, *Russlands Kampf gegen den internationalen Terrorismus* [Russia's Struggle against International Terrorism], Stuttgart 2012, p. 127.

33   Cf. Viktor Mikhajlov, "Rubezh" protiv terrora ["Borders" against terror), in: *Nezavisimaya Gazeta*, 26 March 2010, at: http://nvo.ng.ru/forces/2010-03-26/16_rubezh.html.

34   The Shanghai Convention on Combating Terrorism, Separatism and Extremism defines terrorism, separatism and extremism as follows: "1) 'terrorism' means:
a. any act recognized as an offence in one of the treaties listed in the Annex to this Convention […] and as defined in this Treaty;
b. other act intended to cause death or serious bodily injury to a civilian, or any other person not taking an active part in the hostilities in a situation of armed conflict or to cause major damage to any material facility, as well as to organize, plan, aid and abet such act, when the purpose of such act, by its nature or context, is to intimidate a population, violate public security or to compel public authorities or an international organization to do or to abstain from doing any act, and prosecuted in accordance with the national laws of the Parties;
2) 'separatism' means any act intended to violate territorial integrity of a State including by annexation of any part of its territory or to disintegrate a State, committed in a violent manner, as well as planning and preparing, and abetting such act, and subject to criminal prosecuting in accordance with the national laws of the Parties;
3) 'Extremism' is an act aimed at seizing or keeping power through the use of violence or changing violently the constitutional regime of a State, as well as a violent encroachment upon public security, including organization, for the above purposes, of illegal armed formations and participation in them, criminally prosecuted in conformity with the national laws of the Parties." Cf. Shanghai Cooperation Organization, *Shanghai Convention on Combating Terrorism, Separatism and Extremism*, 15 June 2001, at: http://www.refworld.org/docid/49f5d9f92.html.

the Tajik and Kyrgyz armed forces are poorly equipped and trained. It is also unlikely that China would approve the deployment of troops outside the borders of the People's Republic.

Conclusion

For the moment, Central Asia remains relatively stable. This can be explained in part by the success the authoritarian Central Asian regimes have so far enjoyed using repressive measures to combat the emerging terrorist threats. Yet their ability to do so is declining, particularly in Kyrgyzstan and Tajikistan. Islamist networks already have a presence in Central Asia. The Central Asian states are only partly prepared to deal with transnational developments, which is why closer co-operation on regional security matters within the existing SCO and CSTO frameworks, as well as with NATO, is in the interest of their common security.

Tajikistan, which was the poorest of the Soviet republics, has remained the economically weakest of the Central Asian countries and is most likely to provide radical groups with a way in to the region.

The West and Russia, and also China, which is pursuing its economic interests very actively and successfully in Central Asia, need to join forces to support both Tajikistan and the other secular states of Central Asia in combating the rising danger of terrorism – and to set priorities for their co-operation, certainly not only in Central Asia. The proxy conflicts currently being fought out in Ukraine are unhelpful in this regard and focus energy on the wrong place. With Islamism emerging as a new totalitarian threat, there is no time for a revival of the Cold War.

Hizb ut-Tahrir, the IMU, the IJU, the Taliban, Al-Qaida, IS: The potential for co-operation between such organizations must not be permitted to gain momentum in Central Asia. For all their many internal contradictions, deficits, and problems, the secular countries of Central Asia – Tajikistan, Uzbekistan, Kyrgyzstan, Kazakhstan, and Turkmenistan – are partners in need of support – something that is directly in the interest of Russia, the "West", and China.

Arne C. Seifert

The Political Requirements for IS Prevention in Central Asia

Statement of the Problem

The following considerations deal with the necessity of challenging the advance of "Islamic State" (IS) towards Central Asia (the Caucasus and Caspian regions are no less at risk) by means of a common European and Central Asian strategy under the aegis of the OSCE. The OSCE is the pre-eminent European and Eurasian institution for creating and co-ordinating common statements of intent, political goals, principles, and instruments of execution in this case, because all the affected states participate in the Organization as equal partners, voting on and implementing the Organization's decisions. The OSCE also includes states such as Russia that possess major influence within the Collective Security Treaty Organization (CSTO) and the Shanghai Co-operation Organisation (SCO).[1] The key partner states for IS prevention are the Russian Federation, China, and Afghanistan. Iran could also play a role.

Against this background, I will consider the following: the need to raise the profile of co-ordinated domestic and external strategies and options for action for IS prevention based on peaceful means; factors that favour the advance of IS; factors that favour anti-IS solidarity in society and hamper IS; conclusions.

Raising the Profile of Co-ordinated Domestic and External Strategies and Options for Action for IS Prevention Based on Peaceful Means

The advance of IS towards Central Asia can only be met effectively if co-ordinated domestic and external strategies and options for action based on civil political and diplomatic means are granted significantly more weight alongside security and military policy.

Currently, however, the established preference for strategies based on security and military means appears set to continue. The relatively advanced level of co-ordination within the CSTO framework provides evidence of this. The CSTO approach was most recently discussed in Dushanbe in June 2015 by the leaders of the CSTO member states and the heads of CIS border forces. A special delegation of the NATO Parliamentary Assembly has also travelled to Central Asia to consider the same issue.

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1   The SCO agreed in July 2015 that India and Pakistan would become members. Afghanistan, Iran, Mongolia, and Belarus are observer states within the organization.

What we need to ask is whether there is a danger that timely strategies and options for action based on peaceful means are again being neglected. That would contradict the experiences of over a decade of anti-terror strategies in neighbouring Afghanistan, as well as the Middle East. They show that jihadist Islamist movements can neither be militarily defeated, nor isolated in the societies they affect. It has also become apparent that the fighting potential of these groups and their ability to mobilize support have grown not only in Islamic societies, but now also in the West. The fact that at least 15,000 foreigners had travelled to Syria by mid-2014, to "stand at the side of the embattled Muslims in their struggle against the tyrant Bashar al-Assad […] and that IS has succeeded in becoming one of the most significant problems in global politics",[2] dramatically illustrates the dimensions of the conflict, which – if IS continues to expand, given its politico-religious ideology – should also be a spur to vigilance in Central Asia and the OSCE in general. Things are not helped by the fact that the situation in neighbouring Muslim regions is unlikely to stabilize in the foreseeable future, nor is an understanding on a modus vivendi between the jihadist movements in those regions and the West likely to be achieved any time soon. It is far more likely that IS will continue with its nascent efforts to penetrate Central Asia, one of the key historical and religious regions of the Islamic world, not least as a means of compensating for possible military reversals in Iraq and Syria by engaging the "Western enemy" in a new conflict arena and taking a step closer to the European "home continent".

Given the limited ability of security- and military-based strategies to affect wider society, and their often counterproductive effects, such as massive streams of refugees and high levels of civilian casualties, the mobilization of internal opposition from the social strata and structures in which IS seeks to recruit support will be a central aspect of IS prevention. Military means are of little use in achieving this, as they focus by necessity on co-operation with governments, whose highest priority is to maintain their hold on power. Governments can thus use military and security co-operation to strengthen their authoritarian control of their societies in a situation where what is actually needed is greater social solidarity.

Factors that Favour the Advance of IS

The governments and political systems of Central Asia, which try to create an impression of monolithic solidity, are more fragile than they first appear. The administration of these states by similar political regimes under analogous social conditions has led to the emergence of serious development failings,

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2   Guido Steinberg, *Kalifat des Schreckens, IS und die Bedrohung durch den islamistischen Terror* [Caliphate of Fear, IS and the Threat of Islamist Terror], Munich 2015, pp. 18, 13 (all translations from foreign-language sources by the author).

which have raised internal tensions and caused frustration in the societies of Central Asia. The key development failings are as follows:

-   *Social Failings – Unacceptable Living Conditions*: With the exception of Kazakhstan and Turkmenistan, which are able to build on the income and limited industrialization enabled by economic rents from oil and gas production, the entire region has seen a fundamental decline in living standards that has already resulted in widespread social exclusion and divisions within society.[3] This not only undermines confidence in the government,[4] but also acts to push people towards religion, which here generally means Islam. Against this background, social dissatisfaction and protest are already well on the way to being fortified by Islamic religious values. Above all, the desperate social conditions lend credence to the agitations of *Hizb ut-Tahrir al-Islami* and *Salafiyya* for social justice, Islamic alternatives, and the Islamic way of life and against corruption and the repression of religious activists. Their message is particularly attractive to young people, and to migrant workers, in particular.

    Social movements, trade unions, and left-wing parties and groups with alternative projects for social justice have so far played little part in Central Asian politics. It is likely that political Islam will make use of the enormous potential for protest that exists as a result of the social conditions to gain political advantage. For IS, establishing social justice as part of an Islamic caliphate is a declared goal, one that has already been realized in the area under its control.
-   *Failings with Young People, Families, Women and Girls*: The population of the Central Asian countries is growing by an average of 1.7 per cent each year, and 30 per cent of the region's inhabitants are younger than 15. This structural problem is manifest in acute youth unemployment, which is estimated to be above 20 per cent in all the Central Asian states with the exception of Kazakhstan.[5] In Kazakhstan, 33 per cent of children (0-14) and 28 per cent of young adults (15-29) are socially ex-

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3   The UNDP Social Exclusion Index defines social exclusion in terms of poverty, the lack of basic competences, limited employment and education opportunities, and inadequate access to social and community networks and activities. According to the 2011 report by the UNDP Regional Bureau for Europe and the CIS, 32 per cent of the population in Kazakhstan, and 72 per cent in Tajikistan are considered socially excluded. Cf. United Nations Development Programme, Regional Bureau for Europe and CIS, *Beyond Transition. Towards Inclusive Societies, UNDP Regional Human Development Report*, Bratislava 2011, pp. 8, 38, at: http://www.undp.org/content/undp/en/home/librarypage/democratic-governance/Beyond-Transition-Inclusive-Societies.html.

4   According to the UNDP, this situation has already been achieved in the region: "People don't trust […] government institutions, which are supposed to protect their interests" and "a lack of trust in institutions leads to a breakdown in the social contract between citizens and the state", UNDP, cited above (Note 3), pp. 3, 32.

5   Cf. Andrea Schmitz/Alexander Wolters, Revolutionen in Zentralasien? [Revolutions in Central Asia?], in: *Zentralasien-Analysen*, 43-44/2011, pp. 2-5, here: p.2.

cluded, while in Tajikistan, the figures are 73 and 72 per cent, respectively. In 2005, 90 per cent of children in Kyrgyzstan, 80 per cent in Uzbekistan, and 75 per cent in Tajikistan lived in households with a daily per capita consumption of less than 2.50 US dollars.[6] Young people probably also make up a major proportion of the migrant workers from Central Asia employed in Russia, of whom there were an estimated 4.5 million (plus 3.7 million irregular migrant workers) in December 2014.[7]

Though labour migration raises family income considerably, the division of families means that those left behind, mostly women and children, can become dependent on the religious support provided by local imams.

- *Failings with Regard to Fundamentalism – the Character of the Political System*: The majority of the population had no real influence on fundamental decisions within the transformation and state-formation processes. That is also true with regard to the question of whether the state should be secular or Islamic. At the time of the young Central Asian states' accession to the OSCE, the West perceived them as a kind of "Soviet Orient" – the Asian appendix of a Soviet Union that, while Communist, was at least secular. From the moment of independence, the secular leaders of these new states pursued a path that sought to contain, control, and marginalize the representatives of Islam – particularly its political representatives – and subject them to majority rule. This sowed the seeds of religious conflict in the early days in of the young states. In the early 1990s, 20 Islamic organizations were formed in Central Asia.[8] The conflict over the character of the state and the "purity" of the Islam practised within it was particularly fierce in Uzbekistan: Should Uzbekistan be considered as part of the "House of Islam" (*Dar al-Islam*) and hence at peace, or as part of the "House of War" (*Dar al-Harb*), and thus dominated by "conflict between an unbelieving minority [author's note – the secular ruling elite] and the Muslim majority"?[9] In this conflict over the religious and political foundations of the young state, in which President Islam Karimov played a

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6   Cf. UNDP, cited above (Note 3), pp. 43, 18.
7   Cf. Irina Malyuchenko, *Labour Migration from Central Asia to Russia: Economic and Social Impact on the Societies of Kyrgyzstan, Tajikistan, and Uzbekistan*, Bishkek 2015, p. 4, at: http://www.osce-academy.net/upload/file/Policy_Brief_21.pdf. Of the total number, 2.5 million are Kazakhs; 1.1 million Uzbeks, and 660,000 Tajiks, which amounts to eight per cent of the latter country's population. Cf. The World Bank, *Migration and Development Brief 22*, 11 April 2014, pp. 17-18, at: http://siteresources.worldbank.org/INTPROSPECTS/Resources/334934-1288990760745/MigrationandDevelopmentBrief22.pdf.
8   Seven in Uzbekistan, six in Kazakhstan, four in Kyrgyzstan, two in Tajikistan, and one in Turkmenistan. Cf. Alexei Malashenko, *Islam i politika v gosudarstvakh Tsentralnoi Azii* [Islam and Politics in the States of Central Asia], in: *Tsentralnaya Aziya i Kavkaz* [Central Asia and the Caucasus] 4/1999, p. 59.
9   Bakhtiar Babazhanov, Ferganskaya dolina: Istochnik ili zhertva islamskogo fundamentalizma? [The Fergana Valley: Source or Victim of Islamic Fundamentalism?], in: ibid., p. 130.

prominent role and faced personal attacks, the Islamic Movement of Uzbekistan (IMU) emerged as the loser. The IMU also played a significant role in the Tajik Civil War (1992-1997). In Uzbekistan, political Islam has been subject to severe repression ever since.

To this day, the key issue of this conflict continues to smoulder in the background. It can be formulated as follows: State- and nation-building should be undertaken in accord with socio-cultural identity, while "being a Muslim" is considered self-explanatory by a majority of the population. Both of these should be reflected in the state, in politics, and in the political culture of the leaders. As long as this is not the case, the question cannot be one of whether the politicization of Islamic communities and their elites can be avoided, but rather of whether extremist Islamists will make use of this politicization for destructive ends.

In this context as well as with regard to the need for IS prevention, the ban on the Islamic Renaissance Party of Tajikistan (IRPT) at the end of September 2015, together with the toleration of that ban by the OSCE, the EU, and Western governments, can be considered an object lesson in how not to deal with a reform-oriented Islamic party in the OSCE area. That a Central Asian secular government and an Islamic movement were willing, with the mediation of the UN, to conclude a peace agreement (sealed in 1997) is still considered as practical evidence that jihadists[10] can not only accept coexistence with and within a secular state, but may under certain conditions even be persuaded to help to keep such a state stable. This arrangement required the Muslim side to recognize the secular character of the state while the secular side accepted the right of the Muslims side to participate in the political life of society. To achieve this, they made a "grand compromise": "The constitutionally anchored secular character of the state is recognized at the same time as the political participation of religious actors is constitutionally guaranteed."[11] Precisely the IRPT's exclusion from legal participation as a party was one of the main reasons that had been given by the political representatives of Islam for their claim that the secular state is anti-Islamic. After being banned in 1990 and 1993, supporters of IRPT are likely to consider the 2015 ban, which came after the conclusion of a peace agreement, as definite proof of the anti-Islamic nature of at least the leadership of the secular state. Given the challenges involved

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10 A reference to the fact that the Muslim side refers to its struggle as a *jihad*, a holy war against a secular government that they consider to be "irreligious". Cf. Chakim Rachnamo, Zur Koexistenz des Säkularen und Religiösen in Tadschikistan, in: Anna Kreikemeyer/Arne C. Seifert (eds), *Zur Vereinbarkeit von politischem Islam und Sicherheit im OSZE-Raum. Dokumente eines islamisch-säkularen Dialogs in Tadschikistan*, Baden-Baden 2002/2003, pp. 151-169, p. 159.
11 Ibid. p. 161.

in IS prevention, that can only be considered a major blow in terms of ensuring peace.

- *Failings of the Secular Governments' Religious Policy*: The governments of Central Asian cannot be accused of failing to recognize and respect the significance of Islam as the religion of the majority of the population. They are not opposed to Islam per se, but see Islam's political representatives as their rivals, rivals who, thanks to their religion, mosques, and madrasas, possess a broader national and social reach than they do themselves. They have not recognized that a co-operative relationship with key Islamic religious and political elites would benefit both their own position and national stability. Instead, to preserve their power, they make use of official state imams and muftis to interfere in the socially regulative function of religion. This last point is a particularly egregious infringement of religious principles in Islam.[12] Against this background, questions of religious policy and the state's relationship with political Islam and with leading clerics and religious dignitaries must be a key aspect of any IS prevention strategy.

The following mistakes have been made by all the governments of Central Asia to some extent or other in the area of religious policy:

- dictatorial control of the religious sphere;
- restriction of religious freedom;
- interference in religion and the religious concerns of the population;[13]
- absence of a constructive dialogue between state and religion;
- vilification or criminalization of political representatives of Islam as terrorists or extremists;
- neglect of religiously oriented youth;
- refusal to allow the development of a strong civil society, which would be in a position to regulate contradictions in the religious sphere. In the meantime, the religious sphere itself has become the most important component of civil society.

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12 Islam considers religion and society to be an inseparable whole – the religious cannot be separated from the secular, and religion cannot be separated from politics.

13 The government of Tajikistan has drastically reduced religious freedom in the last five or so years: Children and young adults up to the age of 18 are forbidden from attending mosques. Parents are subject to large fines for breaches of this law. The ban on mosque attendance also extends to women of all ages, who are only allowed to pray in their own homes. The wearing of headscarves or other clothing that could be considered an indication of religious adherence in public or at educations institutions is also forbidden. Prayer is banned in public spaces, government buildings, educational institutions, places of business, to members of the police and armed forces, and even to villagers working in the fields. Prayer is only permitted in mosques and private dwellings. The right to freely select who will officiate at a funeral service has also been removed, and only imams recognized by the state may perform this function.

Overall, it can be said that the secular governments have far from exhausted the potential inherent of secularism and secular governance to create a democratic, conflict-averse relationship with the religious sphere. Adequate opportunities for them to make amends certainly exist even today.

At the same time, however, we should not lose sight of the fact that the political representatives of Islam themselves have demonstrated considerable failings in developing a modern Islamic approach to the tasks necessary to forming and stabilizing the young states. Key conceptual questions regarding the strategic goals and tasks of Islamic political movements in secular states remain to be clarified.[14]

- *Failings in Dealing with the Islamist Underground and the Lack of a Moderate Islamic Counterweight*: Every Central Asian state is now home to an extremist Islamist underground (particularly Kyrgyzstan, Tajikistan, and Uzbekistan), which plays into IS's hands. No one knows precisely how strong this tendency is. What is certain, however, is that the inability of these countries to solve their enormous socio-economic and political problems means that the extremists can rely on a considerable potential for mobilization. That this underground aims at a violent shift in power relations is common knowledge. The Ferghana Valley, which cuts across the territories of Uzbekistan, Tajikistan, and Kyrgyzstan, is considered to be the centre of radical political Islam. Each of these countries has been the scene of violent confrontations with armed groups.

The Islamist underground profits from the absence of a moderate Islamic counterweight to its extremism. An alternative of this kind would have to be built by reformist elements that support the consolidation of the young states, and such elements certainly do exist within Central Asian society. They mostly belong to the younger generation, are well educated, and can be characterized by their symbiotic identification with both Islamic values and the national interest. Their lack of political weight is largely a result of steps taken by the secular rulers to block them from becoming legal political actors. The only exception is Tajikistan, where the IRPT was granted legal status as part of the arrangements that ended the civil war, though this has been revoked by the Tajikistani leadership, and the party's leaders thrown in prison.

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14 We could specifically mention: The Islamic attitude towards a number of categories that are extrinsic to Muslim thought, such as the nation-state and questions of its future political order and orientation; democracy, the rule of law, and human-rights and their place within a modern Islamic state; the national interest; and the development of a modern understanding of the state compatible with both democratic principles and Islam. The Islamic side needs to answer these questions strategically, not just tactically.

The motives for building anti-IS solidarity in society will be essentially defined in terms of the prospects that societies can expect from IS rule. This can be illustrated by reference to IS's ideological social dogmas, as Guido Steinberg from the German Institute for International and Security Affairs (SWP) explains:

> The ideology of IS is a particularly militant interpretation of Salafism. Salafism's proponents believe that they need to reform modern societies by reviving the idealized society of early Islam of Mecca and Medina in the seventh century. […] Their key demand is for the complete implementation of their interpretation of Islamic law: Sharia. What they mean by this, however, is not just political, legal, and judicial measures, but rather a wholesale transformation of social, cultural, and economic life on the model (or according to the Salafist view) of the society of the time of the prophet Mohammad.
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> Wherever IS comes to power, it rigidly imposes Salafist codes of conduct and dress. […] Religious and religiously inspired measures are the organization's absolute priority. […] Courts are particularly important to IS. […] It dispenses justice entirely in line with its own interpretation of Islamic law. […] For instance, the inhabitants of the new "state" are required to pray five times each day. […] During prayer times, all shops must remain closed. Men are urged to grow their beards, while women are encouraged to cover themselves from head to toe in black robes, including obligatory full-face veils. Alcohol, music, and the smoking of tobacco are forbidden. […] The religious police enforce compliance with these regulations.[15]

In Central Asia and other predominantly Muslim regions in the OSCE area, the proponents of this kind of religious and political programme, even when they come directly from the region themselves, come up against political, national, social, religious, and cultural conditions that differ in key regards from those of their previous areas of operation and training in Arabia and Afghanistan:

-   *Identity and the National Question*: For the societies of Central Asia, the recent achievement of independence was a historical turning point. For the first time in their history, the peoples of the region have their own states and an opportunity for national self-actualization. To sacrifice the nation-state for the sake of an Islamic caliphate under IS's totalitarian Salafist rule would not be in the interest of either the ruling

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15   Steinberg, cited above (Note 2), pp. 121-22.

political elites, the traditional regional religions, or the bulk of the population. Consequently, the national question and the preservation of cultural and religious identity could be issues of central importance and uniting factors in the formation of anti-IS coalitions.

- *The Rootedness of Power*: The hold that the rulers of Central Asia have on power should not be underestimated. From year zero of the new states, they commanded the heights of the transformation and state-formation processes. This enabled them to interlock political, economic, military, and normative resources to create an exceptional concentration of power. Domestically, their situation is still strengthened by the fragmentation and subordination of those key parts of the elite that could build a counterweight. The immediate external environment to the east, west, and north is home to similar systems of power, and would rather see the Central Asian regimes remain than fall.

  Alongside the crisis of social conditions, the crisis of trust between the secular regimes and political Islam is developing into the Achilles' heel of the former as a result of their authoritarian, repressive religious policy. The governments underestimate the potential of Islam, and political positions that legitimate themselves by means of Islam, to offer a far wider basis for national identity formation than does the secularism pursued by the governments, with its separation of state and religion. Overcoming the "dilemma of mistrust" is the key to building anti-IS solidarity.

- *Islamic Heterogeneity*: Though Sunni Islam predominates in Central Asia, there are certain features of Central Asian Islam that do not conform with the preferences of IS. "Traditional Islam" in Central Asia is characterized by a "traditional complex of rituals (which define what it means to be Muslim), including pilgrimages to shrines, prayers for ancestors, and so on".[16] The liberal Hanafi school of Sunni jurisprudence[17] may not easily sit with IS's brutal jihadism, which insists on a self-proclaimed conception of "pure" Islamic practice. Also relatively influential are the sharia-oriented Sufi brotherhoods, whose masters still attract the support of and influence entire regional and local communities. Finally, in the Tajik/Afghan border region, IS comes up against Shia Ismailis, whose current leader is the Aga Khan. All three of these movements have socially liberal tendencies. In practice, the boundaries

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16 Jürgen Paul, *Zentralasien, Neue Fischer Weltgeschichte, Band 10* [Central Asia, The New Fischer World History, Volume 10], Frankfurt am Main 2012, p. 503.

17 The Hanafi school of law was founded by Abu Hanifa (d. 767). It is most widespread in Turkey, Central Asia, and on the Indian subcontinent. "In addition to the four legal foundations demanded by Shafiʻi (Qurʻan, sunna, *ijmaʻ*, and *qiyas*), the Hanafis recognize two other juristic practices: the customary *raʻy*, or personal opinion, of their school from time immemorial, and *istihsan*, the preference for a particular solution as appropriate with respect to the society". Bernd Radtke, Sunni Islam, in: Werner Ende/Udo Steinbach (eds), Islam in the World Today. A Handbook of Politics, Religion, Culture, and Society, Ithaca, NY, 2010, pp. 36-50, here: p. 46.

and forms of relationships between the followers of the various tendencies are fluid and need not be antagonistic.

Within Muslim communities and the mostly private Koran schools, there is competition between these traditional forms of Islam and the Salafist *Hizb ut-Tahrir* organization, and the *Salafiyya*[18] and *Tablighi Jamaat*[19] movements. These externally directed organizations are "motors of fundamentalism",[20] which create divisions with the home-grown religious environment, shifting the balance of power away from Central Asian religious leadership. The arrival in addition of IS preachers would only escalate this situation. For local religious leaders, the negative effects would include interference in their theology; the influence of foreign preachers; the alienation of entire mosques and religious communities from traditional religious circles; and loss of influence and income. Overall, this could provide motivation to consider solidarity with anti-IS forces.

- *The Contrast between Central Asian Values and the IS View of Society:* In Central Asia, both proponents of political Islam and the general Muslim population can be distinguished from the "normal" Islamist personality type common in the Middle East. These peculiarities are, at least to some extent, the result of the Russian/Soviet education system, which formed people differently than is the case in the Middle East. Central Asian Islamists are familiar with European philosophy and culture, with rationalism and dialectics. This not only means that they are closer to Europe in terms of how they evaluate social processes but also simplifies cross-cultural discussions and understanding.

The Muslim communities of Central Asia are characterized by tolerance and openness. This has been demonstrated by a worldwide comparative survey of Muslims,[21] which reached the following conclusions about Central Asian Muslims: Only twelve per cent of Muslims in the

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18 *Salafiyya* is a reformist movement that considers "the first Muslims […] to provide a model for a new Islamic community. The aim is not to recreate the life of the earliest Islamic community, but rather to recapture the 'spirit' of these Muslims in order to create a social order suited to present times. *Salafiyya* has inspired numerous Islamic reformists and fundamentalists." Ralf Elger/Friederike Stolleis (eds), *Kleines Islam-Lexikon* [Concise Dictionary of Islam], 5th ed., Munich 2008, p. 284.

19 *Tablighi Jamaat* emerged out of the Indian Deobandi movement (named after a place) in the 1930s, which had been founded as a Sunni revivalist movement, "to remind Muslims of their duties to uphold the commandments and prohibitions of Islam diligently". The organization contributed "much to the revival of the idea of jihad in the twentieth century". It sends missionaries around the Muslim world. One of the most influential preachers was Muhammadjon Hindustani, a native of Central Asia, who imported the ideas of the Deobandi movement to Central Asia and was imprisoned in Siberia for 15 years for his troubles. Cf. Rainer Freitag-Wirminghaus, Russia, the Islamic Republics of the Caucasus, and Central Aisa, in: Ende/Steinbach (eds.), cited above (Note 17), pp. 269-296, and Munir D. Ahmed, India, in: ibid., pp. 310-324.

20 Cf. Ahmed, cited above (Note 19).

21 Cf. Pew Research Center, *The World's Muslims: Religion, Politics and Society*, Washington, 30 April 2013, at: http://www.pewforum.org/2013/04/30/the-worlds-muslims-religion-politics-society-overview.

region believe that the official legal system should be based on sharia law; 92 per cent are in favour of retaining freedom of religion; only 28 per cent believe that religious leaders should play a role in politics; 71 per cent see no contradiction between Islam and the modern world; 70 per cent support the right of women to divorce their husbands; 73 per cent believe that women should themselves choose whether to wear the veil; only 38 per cent consider Western pop culture to be morally damaging; not more than six per cent consider that tensions between more and less devout Muslims are a problem for society. Suicide attacks are condemned by 82 per cent of people in Kyrgyzstan, 85 per cent in Tajikistan, and 95 per cent in Kazakhstan.

This research illustrates that significant portions of Central Asian society approve of the secular way of life. The politicization of Islam is still at an early stage, which limits its current potential to be abused for the pursuit of extremist goals. Among political and intellectual elites, atheism is still widespread.

- *Openness towards Europe*: With the exception of Russia, European countries are unburdened with a history of colonialism in Central Asia, the drawing of artificial borders,[22] and economic exploitation (unlike in the Middle East). Europe did not wage wars in Central Asia. In the OSCE, the Central Asian states are Europe's equal partners. On the whole, therefore, anti-Western stereotypes produced by IS do not apply to European-Central Asian relations. There is still a window of opportunity to ensure that Europe's relations to political Islam in Central Asia do not go down the same dead-end road that they have taken in the Middle East.

Conclusions

Possible Developments

(1) IS is not simply advancing into Central Asia and other Muslim regions in the OSCE area as another extremist terrorist organization. In contrast to the extremist movements already active in Central Asia, it pursues an ultraconservative, violent, dehumanized, and transnational religio-political agenda and the goal of integrating existing states into an Islamic caliphate.

This would remove the Central Asian states as autonomous subjects from the map of Eurasia.

(2) IS has demonstrated its uncompromising stance on all issues relating to the relationship between state and religion, modern "Western" life-

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22   The borders of Afghanistan are an exception here.

styles, and secularism and related aspects of governance.[23] It is similarly hostile to national and religious minorities, and to varieties of Islam not in accordance with its doctrines. Specifically, this could lead to conflict with the Hanafi school of law, which has deep roots in the region; the Sufi orders, which are influential throughout Central Asia; the Pamiri Shia Ismailis; and with the traditional Muslim elites in general. In addition, there are significant numbers of non-Islamic religious communities in Central Asia.

IS thus poses a threat to the religious and cultural identity of Central Asian societies.

(3) If IS were to seek to use political and military means to get its way, this would bring a new level of ferocity to domestic political and inter-religious disputes in Central Asia, in which the balance of power between the secular governments and the Islamist extremists would shift in favour of the latter. IS could win support for its caliphate programme among Salafist groups already active in Central Asia, who spread IS propaganda in secret and already enjoy considerable influence in society. Yet competition between these groups and IS cannot be ruled out.

Were they to forge a union, their strength would exceed not only that of the moderate, national, and reformist Islamic forces, but also of the government-loyal "religious apparatus". Both would put the secular government and its supporters on the defensive by dramatically narrowing the field of available partners for co-operation necessary to support the continued existence of the nation-states and to reduce IS influence.

This could trigger a contest in the OSCE's Central Asian area over whether the future political order and orientation of the OSCE's Eurasian region should be secular or Islamic.

While it knows about the generally volatile situation, particularly, in Tajikistan and Kyrgyzstan,[24] and waits for Uzbekistan's Karimov to die,

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23 In this context, it is worth noting that the leader of IS, Abu Bakr al-Baghdadi, explicitly prohibits coexistence, peace, and secularism as the weapons of the "unbelieving rulers". By this he means not only the Western enemy, but "unbelieving rulers" in general, among whom he would count the secular leaders of Central Asia: "The Muslims were defeated after their caliphate had fallen; subsequently, even their state disappeared. […] This occurred when the unbelievers […] installed treacherous agents as rulers who […] propagated deceitful, sweet-sounding concepts such as civilization, peace, coexistence, democracy, secularism, Ba'athism, nationalism, and patriotism. […] These rulers are attempting to enslave the Muslims and to lead them away from their religion." Steinberg, cited above (Note 2), p. 16.

24 In the 2015 edition of the Fragile States Index put together by the US NGO Fund for Peace, Tajikistan comes in as the 57th most fragile state (of 178 states) in the world, with 83.4 points (out of a maximum of 120), while Kyrgyzstan is ranked 62 with 82.2 points. The most fragile state is South Sudan, with 114.5 points; while Finland is the least fragile, with a score of 17.8. See: Fund for Peace, *Fragile States Index 2015*, at: http://fsi.fundforpeace.org. The key indicators used by the Fund for Peace to determine fragility include population displacement (refugees and IDPs), uneven economic development, poverty, and infringements of human rights and the rule of law.

IS can fan the flames of conflict using tactics of gradual infiltration and military "pinpricks" designed to agitate the situation in the smaller Central Asian states. Military means are only of limited effectiveness in preventing the latter, particularly when the attacks are launched from the domestic hinterland.

The Mobilization of Domestic Counterforces

The analysis thus far makes clear that the first step in IS prevention has to be the reduction of domestic tensions. In view of the many factors that favour anti-IS social solidarity and those that inhibit IS's advance, we conclude that the situation is not unfavourable:

(1) *Threats as Motivation*: Concern at IS's high threat potential is widespread among those who would stand to lose were the extremist organization to get its way. These include state and religious elites, the urban secular classes, civil society, and Islamic oppositions that accept the existence of the nation-state.

Europe is motivated by an interest in maintaining the security and stability of the Eurasian space, economic concerns, and the desire to maintain the strategic East-West and North-South bridging functions served by Central Asia, and the Caspian and Caucasian regions. It can be assumed that there is a large degree of agreement with regional actors on these issues.

(2) *Bringing Together Those with Something to Lose*: Against this background of identical or similar motives on the part of local, regional, and international actors to engage in IS prevention, it is possible that opportunities will begin to emerge to bring together secular-state, religious, and other civil society forces (key ethnic minorities) in a "coalition of convenience". Their common focus should be to preserve the nation-states and their identities from a "caliphate", strengthening social solidarity, and combining their strengths to create a counterweight to extremist viewpoints.

(3) *A "Coalition of Convenience"*: Before such a coalition can be formed, it is essential that certain contradictions be overcome. The starting point needs to be the formation of a minimal programme based on the shared interest in IS prevention. Particularly important is the creation of links between secular governments, Muslim elites, representatives of all religious traditions, and civil society. For political Islam, this has to start with those segments whose orientation is national and democratic. A current example would be for the Tajik leadership to reverse the ban on the IRPT. This could require mediation by third parties.

(4) *Social Solidarity Needs to Be Built*: A process of the sort described above essentially amounts to an "exercise" in democratic co-operation among Central Asian governments and civil societies in attempting to deal with conflict factors that have a long-term tendency to destabilize their societies. The fact that IS prevention can function as a motor for the undertaking of such activities is by no means secondary, as opposing IS requires and justifies Eurasian co-operation rooted in solidarity. Thus, political IS prevention cannot be left to the discretion of the Central Asian governments alone, though it will not function without them. It requires the creation of a more or less binding framework for co-operation. It appears unlikely that the Central Asian governments would reject an offer of solidarity made by their European OSCE partners.

Summary

Creating political strategies and options for IS prevention in Central Asia appears to be possible. If the key resources for pursuing prevention by peaceful means are the interests and motives of domestic actors, then the relationship presented here between the factors that favour and those that hinder IS show that the balance can be shifted in favour of the latter. However, that will not occur automatically. Many Muslims, angered by their personal situation, could support IS without an understanding of the group's overall aims. Furthermore, their most grievous complaint, which concerns the prevalent social conditions, will not disappear, as most governments are not in a position to solve these problems in the short term. This more or less brute fact needs to be offset by efforts to overcome domestic conflict situations that are within the power of the various involved parties to solve: These include discord caused by governments' repressive religious policies, on the one hand, and, on the other side, a number of problems relating to the modernization of Islam in view of the requirements of state formation and the stabilization of the young republics.

Guaranteeing religious freedom, ceasing the interference of the state in internal Muslim affairs, and finding a modus vivendi between secular rulers and political representatives of Islam that support the existence of the nation-state – that now appears to be the necessary and, if the good will is there, possible path for action.

Jenny Nordman

Nationalism, EU Integration, and Stability in the Western Balkans

Introduction

Ethnic nationalism was a key factor in many of the tragedies the Balkan region experienced in the 1990s, and a tool frequently used by Balkan politicians in order to strengthen their power. While it seems that all of the Balkan countries have showed considerable commitment towards democratic and EU-oriented reforms, tensions between ethnic groups and nationalist rhetoric among political elites nevertheless remains a feature of politics in the region. This contribution aims to show that threats of nationalism and instability have recently been used by politicians in the Western Balkan countries towards international organizations in order to increase their leverage in membership negotiations. In particular, the threat of nationalism has been used in order to increase pressure upon the European Union to speed up the EU integration process, which is therefore the focus of this article. It seeks to explain the logic behind this rhetoric, and to present various views on the question of whether there may be links between the absence of visible progress towards EU integration and increased tensions between ethnic groups and threats to stability in the region. This is done by providing examples of official statements and media pronouncements and seeking explanations for them in studies of nationalism and EU integration. The contribution also poses the question of how the EU's transformative power in the region can be sustained.

Nationalism in the Western Balkans since the 1990s

After the 1990s, when politics promoting nationalism and unity based on ethnicity culminated in a series of wars and armed conflicts, the Western Balkans countries have faced the task of creating civic national identities based on international norms of democracy, human rights, and free markets. All of the countries in the region have chosen the path of creating such identities within the political and economic frameworks provided by international organizations including the EU, the OSCE, NATO, and the UN.

International organizations have identified ethnic-related tensions and aggressive nationalism as threats to democracy and international security, and therefore carry out activities with a view to addressing emerging conflicts, as well as strengthening the capacity of institutions and promoting adherence to democratic values as a means of preventing conflicts in the long term. For

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instance, the OSCE plays a role in early warning and early action, notably through the High Commissioner on National Minorities, and also engages in capacity-building, the provision of training and legal aid, and institution-building. The EU demands improvements to minority rights and good-neighbourly relations, as outlined in its *acquis*, as well as economic and political reforms in enlargement countries as a precondition for securing the promises associated with EU integration and EU membership. As will be further elaborated on below, this has provided mainstream politicians with arguments for a political agenda shaped by the priorities of EU integration. Political elites have shown commitment towards undertaking reforms to meet the EU's conditions for membership, and express public support for the EU. Croatia became a member of the EU in 2013. The EU has opened accession negotiations with Serbia and Montenegro and granted candidate status to Albania and the former Yugoslav Republic of Macedonia (FYROM), while Bosnia and Herzegovina and Kosovo remain potential candidates.

However, tensions between ethnic groups are still present in the region. In Bosnia and Kosovo, ethnic divisions have been institutionalized through a system of power-sharing between ethnic groups. Serbia does not recognize Kosovo, with its majority population of ethnic Albanians, as an independent state. Ethno-political violence sometimes resurfaces, notably in the northern parts of Kosovo and recently in FYROM. On 9 May 2015, ethnic Albanian fighters clashed with Macedonian police in the small town of Kumanovo, leaving 22 people dead and dozens wounded. In recent years, nationalist rhetoric has become increasingly prominent in the political debate. In some cases, it has focused on internal divisions between ethnic groups, while in others, ethno-politics has shaped foreign policy priorities and regional relations.

FYROM

In FYROM, politics is still divided along ethnic lines, with political parties representing the interests of their own ethnic groups. Since 2001, the Ohrid Framework Agreement (OFA) has regulated ethnic relations. Following this agreement, the country made progress in undertaking reforms and integrating its ethnic Albanian community. However, the rate of progress has significantly declined since 2008, when Greece blocked further NATO and EU integration, due to the dispute between the two countries over the name "Macedonia". Since then, relations between ethnic Macedonians and Albanians in FYROM have deteriorated, nationalism is on the rise, and democratic reforms have stalled.[1] Albanian politicians have called for full implementation of the OFA, which is also a condition for EU membership. FYROM's Prime Minister Nikola Gruevski's nation-building policies have been criticized for

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[1] Cf. Balkans in Europe Policy Advisory Group, *The Unfulfilled Promise: Completing the Balkan Enlargement*, May 2014.

privileging Macedonians at the expense of ethnic minorities.[2] A recent wire-tapping scandal revealed corruption and criminality as well as anti-Albanian sentiments among politicians. After the incident in Kumanovo, conspiracy theories emerged alleging that the incident was staged by the government to draw attention from the wire-tapping scandals and towards ethno-politics.[3]

Albania

Rather than being concerned with ethnic divisions at home, Albanian politicians have been vocal advocates of the interests of ethnic Albanians abroad. Since 2012, nationalist rhetoric has been increasingly present in Albanian politics.[4] On a number of occasions, former prime minister Sali Berisha has made references to the unity of ethnic Albanians in the region.[5] Two nationalist parties appeared on the political scene – the Red and Black Alliance, advocating unification of ethnic Albanians, and the Party for Justice, Integration, and Unity, which supports the interests of the Cham Albanians (who lived in Greece until the end of the Second World War), as well as other ethnic Albanian groups. While still used by some parties during the election campaign, this rhetoric diminished in 2013, when the Socialist Party-led coalition under Prime Minister Edi Rama took office.[6] However, Rama's government has emphasized Albania's strong ties with Kosovo on several occasions. In March 2015, the governments of Albania and Kosovo held a meeting in Tirana under the slogan "One land, one nation, one dream". Images illustrating the merging of the Albanian and the Kosovo flags were displayed during the meeting. The two governments signed eleven agreements on co-

2   Cf. Kester Eddy, Macedonia: Recreating history through Skopje 2014 urban renewal project, in: *Financial Times*, 12 September 2015, at: http://www.ft.com/intl/cms/s/0/646c0e0c-13bd-11e3-9289-00144feabdc0.html; Simonida Kacarska, The EU in Macedonian Party Politics – consolidating and dividing, in: Corina Stratulat (ed.), *EU integration and Party Politics in the Balkans*, EPC Issue Paper 77, European Policy Centre, 2014.

3   Cf. International Crisis Group, *Macedonia: Defusing the Bombs*, Crisis Group Europe Briefing 75, Skopje/Brussels, 9 July 2015.

4   Cf. Alba Çela/Joana Kosho, *The State of Albanian Democracy at the eve of 2013 General elections*, Tirana 2013, at: http://library.fes.de/pdf-files/bueros/albanien/10055.pdf; Freedom House, *Nations in Transit 2014, Albania*, at: https://freedomhouse.org/report/nations-transit/2014/albania.

5   Cf. Dušan Reljić, *The "Albanian Question" after the Turn in Tirana*, German Institute for International and Security Affairs, Berlin, 23 July 2013, at: http://www.swp-berlin.org/en/publications/point-of-view/the-albanian-question-after-the-turn-in-tirana.html; Benet Koleka, *Albanian leaders fan flames of nationalism, unnerving West*, Reuters, 16 April 2013, at: http://www.reuters.com/article/2013/04/16/us-albania-election-nationalism-idUSBRE93F0WJ20130416.

6   Cf. Freedom House, cited above (Note 4).

operation in areas such as security, border control, and education, although these agreements were arguably more symbolic than substantial.[7]

The concept of "Greater Albania", the idea of a single country uniting all Albanians in the region, enjoys public support among a substantial part of the population. In a survey carried out in 2013, 55 per cent of respondents answered that they would vote for Albanian unification with Kosovo in a referendum.[8] It became a source of heated conflict in October 2014, when a drone with the symbol for "Greater Albania" was flown during a football match between Albania and Serbia. The day after the match, a number of small Albanian businesses in northern Serbia were attacked, and the Albanian embassy in Podgorica was vandalized.[9]

The Threat of Nationalism in Negotiations with International Organizations

On several occasions, the threats of nationalism, increased tensions, and instability have been used as arguments in the Western Balkan countries' negotiations with international organizations. So far, this has been restricted to messages directed towards the EU and NATO regarding their potential membership of these organisations. Politicians and political analysts have warned that if the pace of EU integration is not increased, this may contribute to a revival of nationalist sentiments in the region, radicalization and, consequently, the resurfacing of ethnic conflicts.[10] For instance, politicians have argued that ethnic tensions and stalled democratization process in FYROM are a result of the EU's "enlargement fatigue" and consequent passivity with respect to the country's reform process. During the Vienna Economic Forum in May 2015, most of the six Western Balkan prime ministers made similar arguments. Montenegro's Prime Minister Milo Đukanović, underlined the importance of Euro-Atlantic integration for ensuring stability in the region. Speaking about the incident in Kumanovo and the situation in Bosnia and Herzegovina, Đukanović stressed the need for increased assistance from the international

7   Cf. Gjergj Erebara, Albania's Nationalist Show: All Bark and no Bite, in: *Balkan Insight*, 25 March 2015, at: http://www.balkaninsight.com/en/blog/albania-s-nationalist-show-all-bark-and-no-bite.

8   Cf. Çela/Kosho, cited above (Note 4), p. 41

9   Cf. Euronews, 17 October 2014, *Albania-Serbia Nationalist Tensions Rise*, at: http://www.euronews.com/2014/10/17/albania-serbia-nationalist-tensions-rise.

10   See, for instance, Neil Buckley, Membership: Currency crisis exacerbates 'enlargement fatigue', in: *Financial Times*, 8 May 2012, at: http://www.ft.com/intl/cms/s/0/c727f85c-92c8-11e1-b6e2-00144feab49a.html; Dušan Reljić, cited above (Note 5); Otto Schily, *If the EU reneges on Balkan enlargement it's at its own peril*, Europe's World, 1 October 2009, at: http://europesworld.org/2009/10/01/if-the-eu-reneges-on-balkan-enlargement-its-at-its-own-peril.

community to prevent tensions from rising further and other negative consequences.[11]

Albanian Prime Minister Rama has been one of the most vocal advocates of accelerating EU integration to prevent the growth of nationalism. In April 2015, he publicly stated in a televised interview that "the unification of Albanians of Albania and Kosovo […] is inevitable and unquestionable".[12] According to Rama, this unification can happen in two ways: "in the context of the EU as a natural process and understood by all" or "as a reaction to a European blindness or laziness",[13] potentially leading Albania and Kosovo to "unite in a classical way".[14] Commenting on Rama's statement, Kosovo's deputy prime minister, Hashim Thaçi, said that such a "traditional unification" could become reality in the future as a result of Kosovo's isolation from the EU, and urged for faster NATO and EU integration.[15]

Few attempts have been made to carry out in-depth analysis of these statements, which were made only recently. However, a handful of think-tanks and media outlets consider Rama's April statement to have been a means of pressuring the EU to speed up accession negotiations.[16] This is perhaps even more plausible considering the EU's reaction, which stressed that the Western Balkan countries are advancing towards the EU at their own pace; that their commitment to EU principles includes regional co-operation and good neighbourly relations; and that such statements are unacceptable.[17] Rama's statement was interpreted by Serbia as a provocation, and the Serbian Ministry of Foreign Affairs responded that it the comment was detrimental to bilateral relations between Albania and Serbia as well as to regional stability.[18] While Rama later clarified that his statement was his personal opinion

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11   Cf. Government of Montenegro, *Tirana: Prime Minister Milo Đukanović attends 2015 Vienna Business Forum*, 28 May 2015, at: http://www.gov.me/en/News/149444/Tirana-Prime-Minister-Milo-dukanovic-attends-2015-Vienna-Business-Forum.html.

12   Cited in: Fatos Bytyci/Matt Robinson, *Albania and Kosovo to unite, inside EU or not – Albanian PM*, Reuters, 7 April 2015, at: http://uk.reuters.com/article/uk-albania-kosovo-unification-idUKKBN0MY19320150407.

13   Cited in: ibid.

14   Cited in: Maja Poznatov, *"Greater Albania" statement awakens old ghosts in Balkans*, EurActive, 10 April 2015, at: http://www.euractiv.com/sections/enlargement/greater-albania-statement-awakens-old-ghosts-balkans-313685.

15   Cf. ibid.

16   Cf. Adelina Marini, *Western Balkans Are Beginning To Put New Conditions to EU*, euinside, 9 April 2015, at: http://www.euinside.eu/en/news/albania-kosovo-serbia-tensions; Fedja Pavlovic, *The greater, broken Albania*, euobserver, 17 April 2015, at: https://euobserver.com/opinion/128340; Stratfor Global Intelligence, *Albania and Serbia Are at Odds Again*, 10 April 2015, at: https://www.stratfor.com/analysis/albania-and-serbia-are-odds-again.

17   Cf. Top Channel, *BE: E ardhmja e Ballkanit, në Evropë*, 8 May 2015, at: https://www.youtube.com/watch?v=MXVcbFlHBK8.

18   Cf. Serbian Ministry of Foreign Affairs, *Reaction of the Ministry of Foreign Affairs regarding the statement of the Prime Minister of Albania, Edi Rama*, 9 April 2015, at: http://www.mfa.gov.rs/en/press-service/statements/14046-reaction-of-the-ministry-of-foreign-affairs-regarding-the-statement-of-the-prime-minister-of-albania-edi-rama.

and had not been intended as a provocation, it did, at the same time, serve to further underline Albanian support for Kosovo, and tensions between Albania and Serbia.

Parallels can be seen in threats made by accession countries to withhold co-operation on neighbouring countries' membership of international organizations unless co-ethnics abroad receive more favourable treatment. After the incident in Kumanovo, Rama stated that it would be impossible for FYROM to become a member of NATO without ensuring implementation of the Ohrid agreement, and that this had also been agreed among all NATO member states during the Wales summit.[19] At the same time, Albania has been a vocal supporter of Kosovo's efforts to secure membership of NATO and EU, while Serbia has expressed strong opposition to Kosovo's attempts to join the OSCE, arguing that it would impede the work of the OSCE in Kosovo and the region, and shift the Organization's focus back onto the Serbia-Kosovo issue.[20] This further serves to underline the importance of membership of international organizations in the political priorities of all of the Western Balkan countries.

The Logic behind Nationalism versus Westernization and EU Integration

In order to better understand the logic behind the warnings expressed by Western Balkan politicians outlined above, it may be useful, first, to look into underlying factors behind the presence of nationalism in societies, and the use of nationalism as a tool to establish or maintain political or social power. Second, this can be complemented by explanations of why political elites and citizens support EU integration and the establishment of a civic political culture, and a relationship between the state and its citizens based on civic rather than ethnic factors.

According to David Brown, ethnocultural nationalism arises as a response to a lack of state legitimacy.[21] As a consequence of perceived social injustice and lack of trust in national authorities, adherence to the ethnic group may be reinforced. Similarly, George Schöpflin argues that an excessive focus on ethnicity may result from weak state capacity and civil society.[22] Assuming that ruling elites aim to preserve their domestic power base,

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19   Cf. Government of Albania, Prime Minister's Office, *The word "terrorism" cannot be tolerated in relation to the tragedy of Kumanovo*, 20 May 2015, at: http://www.kryeministria. al/en/newsroom/speeches/the-word-quot-terrorism-quot-cannot-be-tolerated-in-relation-to-the-tragedy-of-kumanovo.

20   Cf. International Radio Serbia, *Dačić: Albania must respect OSCE principles instead of worrying about Kosovo*, 19 February 2015, at: http://voiceofserbia.org/content/dačić-albania-must-respect-osce-principles-instead-worrying-about-kosovo.

21   Cf. David Brown, *Contemporary Nationalism – Civic, Ethnocultural & Multicultural Politics*, London 2000, pp.43-44.

22   Cf. George Schöpflin, *Nations, Identity, Power*, London 2000, pp.42-46

an effective means to do so is to appeal to the interests of the members of a group, provided that it also coincides with their own power interests. Politicians might thus be more prone to the use of nationalist rhetoric, symbolism, and myths if they believe that this can help them to gain support and maintain power. They may also seek to shift the focus of the political debate from areas in which ruling elites might have vested interests, such as the structures of economic and political power, to appeals to nationalist sentiments based upon a shared group identity.[23]

The presence of international organizations in the Western Balkans during the 2000s has contributed to the shift in popular support towards moderate and pro-Western political parties at the centre of the political spectrum, rather than rent-seeking politicians and nationalist parties. International organizations have been able to exercise leverage by pointing to the benefits of reforms, including enhanced security and improved economic conditions. The EU's leverage has been particularly effective, as it has provided politicians with convincing arguments they can make to their electorates in favour of EU membership, including improvements in living standards (economic performance, standards of service, and rights protection) and the ability to work and travel in other countries.[24]

As a result, the benefits of gaining public support by the use of nationalist political rhetoric have been offset. The political will to maintain a commitment to reforms proposed by international organizations and to the EU integration process thus partly arises as a result of public support for the EU. Beyond pointing to advantages of EU membership, politicians have also gained popular support by making concrete changes and reforms in areas ranging from infrastructure to strengthening institutions and the market economy. In addition, reforms have made political and economic systems more efficient, transparent, and merit-based, making it increasingly difficult for politicians to further rent-seeking or nepotistic agendas. The EU has also functioned as a guarantor of the legitimacy of domestic politicians. By requesting that reforms are undertaken in line with the rules and principles of the EU, it has signalled to the public that politicians are held accountable by international organizations. This has served to mitigate the low public faith in national politicians in the Western Balkan countries.

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23 Cf. V.P. Gagnon, Jr., Ethnic Nationalism and International Conflict: The Case of Serbia, in: *International Security* 3/1994-95, pp.130-166.
24 Milada Anna Vachudova, The Leverage of International Institutions on Democratizing States: Eastern Europe and the European Union, EUI Working Papers, San Domenico (FI) 2001, p. 5

Politicians in the Western Balkans have tended to argue that if the prospect of further benefits from EU integration in the near future is lost, public support for the EU will drop as a consequence. This can be seen in action, for instance, with regard to the visa-free regime with Kosovo. Kosovo has argued that the demands outlined in the framework of the visa liberalization dialogue with the EU have already been met.[25] In the interview in which Rama made reference to unification between Albania and Kosovo, he also stated that "it was a disgrace for the EU that the visa liberalization process had not been completed for Kosovo citizens".[26]

Another claim has been that the absence of the EU as a driving force may contribute to stalling economic and political reforms, continued inefficiencies and opportunities for system abuses, lack of foreign investments, and continued low standards of living in comparison to EU member states. Some have argued that the current political crisis and halt in the reform process in FYROM has been exacerbated by the EU's passivity in the country.[27] Given the logic of the choice between pursuing a nationalist and a Western or EU-oriented agenda, as outlined above, in the longer term, such factors could in theory lead the population to become increasingly susceptible to the arguments of nationalist politicians, while tempting politicians to appeal to their electorates' discontent through populist and nationalist agendas.

The relationship between the EU and candidate countries is asymmetrical. All other things being equal, the benefits of joining the EU are larger for the accession countries than for the existing EU member states.[28] This makes the terms set by the EU practically non-negotiable by the accession countries. To move forward in the EU integration process, they must be willing to accept the EU's changing demands, as well as long transition periods. They must also be willing to undertake reforms that might in some cases be difficult or even unpopular among certain groups. One such example is Albania's reform of its justice system. The current system is affected by politicization, limited accountability, insufficient resources, backlogs, and corruption,[29]

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25   Cf. Republic of Kosovo, Ministry of Foreign Affairs, *The Kosovo delegation is seeking the support from EP regarding visa liberalization*, Brussels, 18 November 2015, at: http://www.mfa-ks.net/?page=2,217,2945.

26   Poznatov, cited above (Note 14).

27   See, for instance, Naser Pajaziti, *Parties in FYROM: The agreement for the solution of the crisis is still undefined*, Independent Balkan News Agency, 4 June 2015, at: http://www.balkaneu.com/parties-fyrom-agreement-solution-crisis-undefined/#sthash.rGsfh6kZ.dpuf.

28   Cf. Andrew Moravcsik/Milada Anna Vachudova, National Interests, State Power, and EU Enlargement, in: *East European Politics and Societies* 1/2003, pp. 42-57, here: p. 46.

29   Cf. European Commission*, Commission Staff Working Document, Albania, 2014 Progress Report*, SWD(2014) 304 final, Brussels, 8 October 2014, Accompanying the document: Communication from the Commission to the European Parliament, the Council, the

which provides space for abuse. The prospects of negative consequences for those with vested interests in the system may lead to reluctance to accept changes, which could considerably delay further formal steps in the EU integration process.

While the economic benefits of integration of the Western Balkans in the EU for existing member states are small, the most important aim of the EU's enlargement and neighbourhood policy is to guarantee stability and peaceful development in the EU and its immediate neighbourhood.[30] Warning of a possible revival of nationalism and growing instability, politicians in the Western Balkans have aimed to change the dynamics of their countries' relationships with the EU. They have stressed the potential security risks if the EU integration process is not sped up, while also making direct links to recent clashes between ethnic groups and nationalist rhetoric among politicians.

A prerequisite for the EU to be able to exercise leverage through its enlargement policy is that membership prospects are credible, i.e. that a candidate will be accepted once the accession criteria have been fulfilled.[31] The threats directed towards the EU have referred to its supposed "enlargement fatigue" in the face of economic crisis and rising support for political parties with nationalist and populist and anti-immigration discourses. Electorates in EU member states have become less supportive of enlargement, with 57 per cent of Europeans opposing further enlargement in 2013, as compared to 37 per cent in favour.[32] As a result, EU member states are increasingly playing a role in setting out the conditions for progress in the EU integration process, which arguably leads to changing demands and makes the process less predictable. Upon his appointment as President of the European Commission, Jean-Claude Juncker publically stated that no further enlargement will take place within the next five years.[33] While it is in any case unlikely that the Western Balkan countries would have joined the EU within this period would, this statement was interpreted by the accession countries as a political signal that the process is slowing down. Rama has on several occasions commented that the EU's enlargement fatigue will be met by a "patience fa-

European Economic and Social Committee and the Committee of the Regions, Enlargement Strategy and Main Challenges 2014-2015, COM(2014) 700 final, p. 11.

30   Cf. European Commission, *Good to know about EU Enlargement*, Brussels, March 2009.

31   Cf. Sandra Lavenex/Frank Schimmelfenning, Relations with the Wider Europe, in: *The JCMS Annual Review of the European Union in 2007*, Special Issue, September 2008, pp. 145-164, here: p. 146.

32   Cf. European Commission, *Standard Eurobarometer 79 Spring 2013, Tables of Results, Public Opinion in the European Union, Fieldword: May 2013.*

33   Cf. Jean-Claude Juncker, *A New Start for Europe: My Agenda for Jobs, Growth, Fairness and Democratic Change*, Political Guidelines for the next European Commission, Opening Statement in the European Parliament Plenary Session, Strasbourg, 15 July 2014.

tigue" on the part of the Western Balkan countries, and he has urged the EU to take action to avoid any negative consequences this might bring.[34]

"Enlargement Fatigue" and the Risk of Renewed Ethnic Conflict in the Western Balkans

Should the warnings about potential security risks associated with a slow EU integration process be considered merely as a way to speed up accession negotiations? Or is there in fact reason to be concerned about fading prospects for democratization and EU integration in the Western Balkans? Public support and elite commitment to EU integration have been identified as key factors allowing for the effectiveness of the EU's leverage through its enlargement policy. In the Western Balkans, visible progress in the EU integration process is still a way for the ruling parties to gain votes. Parties across the political spectrum in the Western Balkan countries still show commitment to the EU integration agenda. Support among citizens for EU membership is still high, at 92 per cent in Albania[35] and 80 per cent in FYROM.[36]

At the same time, the remaining Western Balkan countries are unlikely to gain admission to the EU soon. After receiving candidate status in 2003, it took Croatia ten years to finally join the EU, and there are no indications that the process for the other countries will be any shorter. It is therefore even more important that the EU integration process remains predictable if countries are to remain committed to it. A degree of convergence between the expectations of accession countries and the EU on the countries' progression towards the EU is necessary. Currently, such convergence seems to be lacking. In 2014, 53 per cent of Albanians believed that their country was ready to become a member of the EU, an increase of 23 per cent on the previous year.[37] In April 2015, Rama stated that the country was ready to open membership negotiations,[38] while the Commissioner for European Neighbourhood Policy and Enlargement Negotiations has said that negotiations will not open this year.[39] FYROM's President Gjorge Ivanov has stressed the need to set a

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34   Cf. Deutsche Welle, *Albania's Prime Minister Edi Rama: "The past cannot hold us back"*, 22 October 2015, at: http://www.dw.com/en/albanias-prime-minister-edi-rama-the-past-cannot-hold-us-back/a-18012998.

35   Cf. Open Society Foundation for Albania, SOROS, *National survey on perceptions & expectations towards a potential EU membership of Albania*, Tirana 2014, p. 74.

36   Cf. Institute for Democracy Societas Civile-Skopje/Konrad-Adenauer-Stiftung, *Survey on "Macedonia's EU Integration"*, 19 September 2014, at: http://www.kas.de/wf/doc/kas_38833-1522-2-30.pdf?140919082453.

37   Cf. Open Society Foundation for Albania, cited above, (Note 35), p.74.

38   Cf. Independent Balkan News Agency, *Albania is ready to start negotiations with the EU, says PM Rama*, 22 April 2015, at: http://www.balkaneu.com/albania-ready-start-negotiations-eu-pm-rama.

39   Cf. Wolfgang Tucek, EU-Kommissar Hahn: "Ohne Rechtsstaat keine Investoren" [EU Commissioner Hahn: "No Investors without the Rule of Law"], in: *Wirtschaftsblatt*,

date for the start of EU accession negotiations (and to discuss the naming dispute as a "chapter" in these negotiations), and for NATO to acknowledge that Greece's veto to FYROM's application for NATO membership violated an agreement from 1995.[40]

Remaining Ethnic Tensions

As we have seen, there are still tensions between ethnic groups within states, as well across borders of the countries in the region. Ethnic groups still reach out to defend kin groups across state borders. Therefore, ethnic polarization at home can still have wider impacts on relations in the region, and local conflicts may easily escalate into regional concerns. If reforms stagnate in one country, this may also affect regional stability. If prospects of EU membership fade, could this contribute to reinforcing ethnic tensions? The statements by Rama indicate that politicians might be willing to try other tactics to increase pressure upon the EU to take further steps to move forward the EU integration process, or alternatively, look for arguments that will gain them votes elsewhere. Arguably, the latter tactic was used by then Albanian prime minister Sali Berisha in 2012. In FYROM, politicians still enjoy support for their ethnic agendas, and the slow-down in domestic reforms has increased their propensity to further these agendas to gain support. If political elites no longer see incentives to pursue ethnic reconciliation, minority rights protection, and democratization, these processes are likely to stagnate. In a region where unemployment is high, where service delivery is inefficient, and where trust in state institutions is low, people are more responsive to radical solutions to their situation, and nationalist or populist arguments may fall on fertile ground.

Developments of this kind could be observed in Turkey in the mid-2000s. Though accession negotiations were launched in 2005, EU member states expressed concerns about accepting Turkey as a full member of the Union, and negotiations also stalled over the Cyprus issue. As a result, politicians chose to pursue a nationalist agenda rather than social and economic reforms driven by the EU integration process, which had previously been a source of electoral support.[41] However, given the strong support for EU integration among politicians and electorates in the Western Balkan countries, such a scenario may still appear unlikely for now at least.

Reforms already undertaken may also serve to prevent some of the backsliding towards nationalist or partisan politics, at least in the short term.

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22 July 2015, at: http://wirtschaftsblatt.at/home/nachrichten/europa_cee/4781941/EUKommissar-Hahn_Ohne-Rechtsstaat-keine-Investoren.

40 Republika English, *Macedonia is facing today a new turning point*, 2 August, 2015, at: http://english.republika.mk/president-ivanov-macedonia-is-facing-today-new-turning-point.

41 Cf. Ruairi Patterson, Rising Nationalism and the EU accession process, in: *Turkish Policy Quarterly* 1/2008, pp. 131-138.

Once constitutions have been changed, policy-making and economic procedures made more efficient and transparent, and civil societies made increasingly aware of their democratic and human rights, this process cannot easily be reversed. There are also indications of a contrary trend in the way Western Balkan countries are responding to the problems supposedly caused by "enlargement fatigue". During the Vienna Economic Forum in May 2015, the Western Balkan leaders, rather than focusing primarily on regional conflicts, underlined the importance of regional co-operation in moving forward in the EU integration process. They also went further by saying that they would cooperate on their priority of improving connectivity in the region, whether these efforts were supported by the EU or not.[42] While the remarks made by Western Balkan politicians could be seen as warning signs that the EU is losing its grip on the region, they also suggest a willingness to set aside old grievances for pragmatic purposes. In this case, the threat of "enlargement fatigue" served to unite the Western Balkan leaders in pursuit of a common goal rather than creating divisions.

Conclusion

Western Balkan politicians have warned that unless EU integration processes in the countries of the region speed up, there is a risk of ethnic tensions resurfacing and potentially causing the outbreak of conflicts. As this contribution has shown, these warnings have been used to increase pressure on the EU, as the benefits of EU integration are clear to politicians as well as the general public in the Western Balkan countries.

However, it may well be worth reflecting upon the potential consequences of diminishing international influence in the region. Ethnic tensions are still present, and clashes between ethnic groups occasionally lead to violence. The use of nationalist and populist rhetoric may still be used as a way to mobilize political support if politicians see benefits in doing so. The EU and other international organizations have provided important tools for mediation among different groups, for maintaining stable regional relations, and for enhancing the protection of minority rights. In the long run, they are contributing to building institutions that can channel tensions between groups in society through fair and democratic processes.

Until such institutions are fully in place, the benefits of EU integration must remain clear to the public. Reforms must have clear results, including in the short term, and these need to be communicated to citizens. Ultimately, it is up to the leaders of the Western Balkan countries to deliver on agreed reforms. The EU and other international actors, for their part, must be sure to

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42   Cf. Gjergj Erebara, Balkan Feuds Re-Surface at Leaders' Tirana Summit, in: *Balkan Insight*, 28 May 2015, at: http://www.balkaninsight.com/en/article/regional-cooperation-emphasized-while-old-and-new-disputes-lingers-in-the-balkans.

exert pressure on politicians not to delay reforms that may not be in line with some of their interests, even if they have a commitment to Western-oriented reforms and EU membership in general. Ethnic violence, racism, and incitement of hatred must be strongly condemned. In general, the EU should maintain and enhance its political presence in the region and devote sufficient resources to enlargement.

As regards EU integration, the speed at which accession countries progress towards EU membership depends on their merit, i.e. on the fulfilment of the criteria set out by the Commission. Disagreements between a candidate country and the EU about the country's progress in the integration process should be addressed. The EU integration process should remain predictable to candidate countries, with clear links between compliance with the EU's criteria and rewards. Yet as things stand, when accession countries have fulfilled their agreed priority commitments, they can only take further steps in the integration process if they also receive the political support of EU member states. To enhance this support, the benefits of EU enlargement, including its contribution towards stability in the Western Balkans, must also be made clear to the electorates of EU member states.

The European Union and its member states should bear in mind the vital role of the EU in contributing to stability in the Western Balkans, and the Union should have a clear strategy on how it intends to maintain its transformative power in the region.

Daniela Pisoiu/Reem Ahmed

Capitalizing on Fear: The Rise of Right-Wing Populist Movements in Western Europe

"Only a new force can stop Strache" – this was the slogan used by the recently founded NEOS party (*Das Neue Österreich und Liberales Forum*/The New Austria and Liberal Forum) in the local elections in Vienna on 11 October 2015. Heinz-Christian Strache is the charismatic leader of the far-right Freedom Party of Austria (*Freiheitliche Partei Österreichs,* FPÖ), a strong political figure and the first challenger to pose a serious threat to the incumbent Social Democratic mayor, Dr Michael Häupl. Up to that point, Häupl had a strong grip on the Viennese electorate, and Vienna has been a stronghold of the Social Democratic Party of Austria (*Sozialdemokratische Partei Österreichs,* SPÖ). The SPÖ had enjoyed an unbroken majority in the city since 1945 – an absolute majority with two exceptions. Yet, for the first time, a victory for the far right seemed possible. Eventually, in light of some polls placing the FPÖ ahead, Häupl's campaign also decided to focus on promoting "stopping Strache" as the main incentive to vote for the SPÖ. In the hope that most people would in fact oppose Strache's campaign of "agitation", the city of Vienna released a video calling on people not to "let others decide for them".

The Rise of the Far Right

Most analysts agree that the main driving force behind the surprising rise of the far right in Austria is without a doubt the so-called "refugee crisis". The FPÖ drew on existing scaremongering images of the Muslim other, conveniently attaching them to the now visible streams of refugees to project an image of a Vienna under siege and a population in dire need of protection. In typical populist style, they would emphatically declare their uniqueness in daring to speak up for "the people" – as in their slogan "because we take your worries seriously" – and challenging out-of-touch elites. The FPÖ is not the only organization to profit from the movement of significant numbers of people into the European Union, a phenomenon which, by all accounts, has been poorly managed. The FPÖ is also not the only group to profit from an atmosphere of fear – fear of crime, fear of terrorism, and a diffuse feeling of unease, which is often attributed to the high proportion of unemployed young men among the migrants, or questions of religion or security. Indeed, all Europe's far-right parties have jumped on this bandwagon as a means of obtaining quick and easy electoral capital.

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Strache has repeatedly called for Austria to build a border fence between Austria and Hungary, patrolled by the army, to throttle the flow of refugees – particularly Muslim refugees.[1] According to the FPÖ leader, the refugee crisis is an opportunity for terrorists and criminals to come into the country; he stated that "we have a Christian culture, and we want to keep a Christian culture for our children".[2] Geert Wilders, the leader of the Dutch Party for Freedom (*Partij voor de Vrijheid*, PVV) gave a speech in parliament in September 2015 protesting against allowing refugees into the country. He called the crisis an "Islamic asylum tsunami" and labeled the refugees "testosterone bombs" who "threaten our girls".[3] In August 2015, a spokesman for the Slovakian interior ministry told the Wall Street Journal: "In Slovakia, we don't have mosques […] we only want to choose the Christians."[4] The Hungarian prime minister and leader of the right-wing Fidesz party Viktor Orbán wrote an op-ed for Germany's *Frankfurter Allgemeine* newspaper in September 2015: "We shouldn't forget that the people who are coming here grew up in a different religion and represent a completely different culture. Most are not Christian, but Muslim […] That is an important question, because Europe and European culture have Christian roots."[5] During a speech in September 2015 addressed to members of France's *Front National* (FN), leader Marine Le Pen accused Germany of opening its borders to refugees to exploit them for cheap labour. Le Pen also warned of the dangers of Islamization in Europe as a result of this crisis.[6] These leaders deploy similar rhetoric that ominously refers to the potential decline of Christian values and culture across Europe if refugees are to be allowed in.

Capitalizing on the refugee crisis soon paid off. In terms of elections, the Danish People's Party (*Dansk Folkeparti,* DF) were the second largest party after the 18 June 2015 national election with 21.1 per cent of the vote (compared to 12.3 per cent in 2011) giving them 37 seats out of 179.[7] The party has a tough line on immigration and promised to campaign for tighter

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1 Cf. Michael Shields/Shadia Nasralla, *Austrian far right leader blames U.S., NATO for migrant crisis*, Reuters, 5 September 2015, at: http://www.reuters.com/article/2015/09/05/us-europe-migrants-austria-strache-idUSKCN0R50HP20150905.

2 Cited in: Ishaan Tharoor, Europe's refugee crisis strengthens far-right parties, in: *The Washington Post*, 13 October 2015, at: https://www.washingtonpost.com/news/worldviews/wp/2015/10/13/europes-refugee-crisis-strengthens-far-right-parties.

3 Ibid.

4 Anton Troianovski/Margit Feher, Migration Crisis Pits EU's East Against West, in: *The Wall Street Journal*, 19 August 2015, at: http://www.wsj.com/articles/migration-crisis-pits-eus-east-against-west-1439957453.

5 Cited in: Rick Noack, Muslims threaten Europe's Christian identity, Hungary's leader says, in: *The Washington Post*, 3 September 2015, at: https://www.washingtonpost.com/news/worldviews/wp/2015/09/03/muslims-threaten-europes-christian-identity-hungarys-leader-says.

6 Cf. Steven Erlanger/Alison Smale, Migrant Influx May Give Europe's Far Right a Lift, in: *The New York Times*, 7 September 2015, at: http://www.nytimes.com/2015/09/08/world/europe/right-wing-european-parties-may-benefit-from-migrant-crisis.html.

7 Cf. *Statistics Denmark*, at: http://www.dst.dk/en/Statistik.

border controls to ensure fewer migrants enter the country.[8] In both national elections in Greece in 2015, the extreme-right Golden Dawn *(Chrysi Avyi)* party was the third largest party, with seven per cent of the vote in September 2015 (compared to 6.3 per cent in January 2015).[9] In an analysis of the September 2015 election, it was reported that Golden Dawn targeted areas of Greece that had been most affected by the refugee crisis – such as Lesbos. Preliminary data suggested that Golden Dawn was losing influence in the working-class neighbourhoods of large cities, but making up the votes from such areas. By insinuating that the refugees were "invading" Greece, Golden Dawn was able to ignite fear and increase its support there.[10]

Opinion polls indicate that far-right parties have made strong gains in other countries, too. In Sweden, the far-right Sweden Democrats (*Sverigedemokraterna,* SD) are currently ahead of the two largest parties with support of about 25 per cent, after they won a record 12.9 per cent of the vote in the 2014 election.[11] In September 2015, the French polling company Odoxa found that "Marine Le Pen's far right-wing National Front party would sweep local elections in France's northern region of Nord-Pas-de-Calais were they held today".[12] The *Front National* enjoyed almost 40 per cent support in a region that has high rates of unemployment, and, due to its proximity to the English Channel, Nord-Pas-de-Calais has long been feeling the effects of the refugee crisis.

The rise in support for far-right parties is, however, not a symptom of recent years. Indeed, they have been on the rise ever since the 1990s (see Table 1 below).

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8   Cf. David Crouch/Lars Eriksen, Danish People's party leader demands border crackdown after election success, in: The Guardian, 19 June 2015, at: http://www.theguardian.com/world/2015/jun/19/danish-peoples-party-dahl-border-controls-election.

9   Cf. Alberto Nardelli, Greece election result: the key numbers, in: *The Guardian*, 20 September 2015, at: http://www.theguardian.com/world/2015/sep/20/greece-election-result-the-key-numbers.

10   Cf. Yiannis Baboulias, The EU's woeful response to the refugee crisis has revived Golden Dawn, in: *The Guardian*, 21 September 2015, at: http://www.theguardian.com/commentisfree/2015/sep/21/eu-refugee-crisis-golden-dawn-greek-neo-nazi-europe.

11   Cf. Erlanger/Smale, cited above (Note 6).

12   Jess McHugh, Far-Right-Wing National Front Party Gains Popularity, As Marine Le Pen Takes the Lead Amid Refugee Crisis, in: *International Business Times*, 20 September 2015, at: http://www.ibtimes.com/far-right-wing-national-front-party-gains-popularity-marine-le-pen-takes-lead-amid-2105288.

Table 1 Far-Right Electoral Gains (National Elections)

Country *Party*	*Year* Percentage of vote (ranking)					
Austria FPÖ[13]	*2013* 20.5% (3)	*2008* 17.5% (3)	*2006* 11% (4)	*2002* 10% (3)	*1999* 26.9% (2)	*1994* 22.5% (3)
Denmark DPP[14]	*2015* 21.1% (2)	*2011* 12.3% (3)	*2007* 13.9% (3)	*2005* 13.3% (3)	*2001* 12% (3)	*1998* 7.4% (5)
Greece Golden Dawn[15]	*Sept 2015* 7% (3)	*Jan 2015* 6.3% (3)	*2012* 7% (6)			
Hungary JOBBIK Fidesz[16]	*2014* 20.2% (3) 44.9% (1)	*2010* 16.7% (3) 52.7% (1)	*2006* 2.2% (5) 42% (2)	*2002* n/a 41.1% (2)	*1998* n/a 28.2% (1)	*1994* n/a 7% (6)
Netherlands PVV[17]	*2012* 5.9% (5)	*2010* 15.5% (3)	*2006* 10.1% (3)			
Sweden SD[18]	*2014* 12.8% (8)	*2010* 5.7% (6)	*2006* 2.9% (8)	*2002* 1.4% (8)	*1998* 0.4% (8)	
UK UKIP[19]	*2015* 12.6% (3)	*2010* 3.2% (4)	*2005* 2.3% (4)	*2001* 1.5% (5)	*1997* 0.3% (11)	

13   Cf. Bundesministerium für Inneres [Austrian Federal Ministry of the Interior], *Stimmenstärkste Partei pro Bundesland* [Party with Largest Share of Vote by State], at: http://wahl13.bmi.gv.at; Manuel Álvarez-Rivera, Election Resources on the Internet: *Federal Elections in Austria – Elections to the Nationalrat (National Council)*, at: http://www.electionresources.org/at.

14   Cf. Manuel Álvarez-Rivera, Election Resources on the Internet: *Elections to the Danish Folketing – Results Lookup*, at: http://www.electionresources.org/dk.

15   Cf. Manuel Álvarez-Rivera, Election Resources on the Internet: *Elections to the Hellenic Parliament (Vouli)*, at: http://www.electionresources.org/gr.

16   Cf. Manuel Álvarez-Rivera, Election Resources on the Internet: *Elections to the Hungarian National Assembly*, at: http://www.electionresources.org/hu.

17   Cf. Kiesraad [Electoral Council], *Databank Verkiezingsuitslagen* (Database of Election Results), at: http://www.verkiezingsuitslagen.nl/Na1918/Verkiezingsuitslagen.aspx?VerkiezingsTypeId=1.

18   Cf. Statistics Sweden, *Historical statistics of elections 1910-2014*, at: http://www.scb.se/en_/Finding-statistics/Statistics-by-subject-area/Democracy/General-elections/General-elections-results/Aktuell-Pong/12275/Historical-statistics-of-election-results/32065.

19   Cf. BBC News, *How UKIP became a British political force*, 3 May 2013, at: http://www.bbc.com/news/uk-politics-22396689; The Guardian, *UK 2015 general election results in full*, at: http://www.theguardian.com/politics/ng-interactive/2015/may/07/live-uk-election-results-in-full.

Tagging along in the wake of the broader spirit of anxiety and sheer opposition to a large number of Muslim refugees flowing into Europe are right-wing extremism and hate crime. There are no official statistics available regarding hate crime and the refugee crisis. However, there have been a number of reports that imply that hate crime has risen as a result of the crisis. Notably, in Germany right-wing extremists have attacked refugee homes. In the first half of the 2015, the German Interior Ministry registered 173 such attacks.[20] In August 2015, the New York Times reported that while hate crimes increased in Europe in general – particularly targeting Roma and asylum seekers – there was evidence of a far higher rate of increase in mass demonstrations and arson attacks in Germany.[21] The reaction to refugees in Hungary has also been hostile from far-right groups. For example, the *Betyársereg* (Outlaw's Army) is a paramilitary extreme-right Hungarian group that has been particularly active during the crisis. This group have verbally and physically attacked refugees in Hungary.[22]

Here again, in spite of occasional peaks (such as the attacks on asylum seekers in Germany in the 1990s), hate crimes have shown a generally tendency to increase. Accurate information on hate crime is difficult to ascertain due to under-reporting and the different ways states record these types of incidents (if at all). From the information provided by the Organization for a Security and Co-operation in Europe (OSCE) for 2009-2013, hate crime appears to have stayed at similar levels in countries such as Germany and Denmark – with the number of reported hate crimes in Germany significantly higher than in Denmark. In the UK, levels of hate crime have been relatively constant, but rose by 18 per cent in 2013-2014. Similarly, in Sweden, hate crime peaked in 2014. In the Netherlands, the picture is not as clear as there is no data available for 2010-2012, however, hate crime increased by 63 per cent when one compares the available data for 2009 and 2013. In Austria and France, the tendency is not so clear cut. In France, for instance, recorded hate crime peaked in 2012, but decreased the following year by 25 per cent. In Austria, recorded hate crime rose in 2010, followed by a decrease by 41 per cent in 2011, and a steady rise until 2013. Information from Hungary also

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20   Cf, Wenzel Michalski, *Dispatches: Alarming Attacks Against Refugees in Germany*, Human Rights Watch, 28 August 2015, at: https://www.hrw.org/news/2015/08/28/dispatches-alarming-attacks-against-refugees-germany.

21   Cf. Melissa Eddy, Violent Backlash Against Migrants in Germany as Asylum-Seekers Pour In, *The New York Times*, 13 August 2015, at: http://www.nytimes.com/2015/08/14/world/europe/germany-migrants-attacks-asylum-seekers-backlash.html.

22   Cf. Balint Jósa, *Hate Crime Stories: State empowered hate crimes against refugees in Hungary*, No Hate Speech Movement, 20 July 2015, at: http://blog.nohatespeechmovement.org/hate-crime-stories-state-empowered-hate-crimes-against-refugees-in-hungary; Editorial Board, *Hungary's Xenophobia, Europe's Crisis*, BloombergView, 2 September 2015, at: http://www.bloombergview.com/articles/2015-09-02/hungary-s-xenophobia-europe-s-crisis.

shows a steady rise over the years.[23] Looking at more detailed reports, such as one by the European Union Agency for Fundamental Rights (FRA), which recorded incidents of anti-Semitism in Europe over ten years (2002-2012), shows that anti-Semitism incidents steadily rose in Sweden and the Netherlands. Levels tended to remain steady in Belgium, Spain, Ireland, and Slovakia, with no significant peaks. In the UK, France, and Germany, such incidents gradually decreased over the years. In the Czech Republic and Finland, anti-Semitic incidents peaked in 2009 and fell back down between 2010 and 2012. However, incidents in Finland are generally lower than in Slovakia. As part of the report, around 90 per cent of European Jews were surveyed on their perceptions of anti-Semitism; 66 per cent of respondents believed that anti-Semitism was on the rise in Europe.[24] In recent police figures from the UK, the number of hate crimes against Muslims in London alone has risen by over 70 per cent, with women who wear the veil being the most susceptible to attack.[25]

Roots of the Rise

As effective as it has been in creating a surge in support for far-right parties in opinion polls and electoral results, the refugee crisis is not the only factor responsible for the rise of the far right. As we have seen, recent gains confirm and reinforce a tendency that has been observable for several years. A series of issues have been successfully exploited by the far right over the last decade or so, including immigration or "foreigners" more generally, and anti-EU sentiment. Some authors go as far as to note that "without the irritant of immigration and asylum-seekers, West European right-wing extremism would probably have remained a *quantité négligeable*, a concern of only a small number of eccentrics and racist cranks and not a threat to Western European democracy."[26] But there are also deeper, structural causes at work, relating to the particular socio-economic situation of certain social strata, broader political and social developments within European states, and the skill and professionalization of far-right parties themselves.[27] The "losers" of globalization – the lower income classes threatened by unemployment and international competition – make up the core electorate of the far right. It is with this electorate that slogans such as "foreigners take away your jobs" go down

23   Cf. OSCE ODIHR, *Hate Crime Reporting*, at: http://hatecrime.osce.org.
24   Cf. European Union Agency for Fundamental Rights, *Antisemitism: Summary overview of the situation in the European Union 2002-2012*, Vienna 2013.
25   Cf. Hate crimes against Muslims soar in London, in: *The Guardian*, 7 September, at: http://www.theguardian.com/world/2015/sep/07/hate-crimes-against-muslims-soar-london-islamophobia.
26   Peter H. Merkl, Introduction, in: Peter H. Merkl/Leonard Weinberg (eds.), *Right-Wing Extremism in the Twenty-First Century*, London 2003, pp. 1-19, here p. 7.
27   Matthijs Rooduijn, The rise of the populist radical right in Western Europe, in: *European View* 14/2015, pp. 3-11.

well. But such groups, which are otherwise typically the target of left-wing parties, are not the only ones to be successfully lured away from mainstream parties. Across the political spectrum, individuals respond positively to prejudice related to the "other", which more recently has become the "Muslim other".

The second bundle of explanations concerning developments in the political system focuses on increased electoral volatility and the fact that mainstream right-wing and left-wing parties have recently tended to converge. Populist parties in general, not just those of a right-wing orientation, fill the gap left by this ideological convergence and portray themselves as the only alternative to the obsolete and fossilized political establishment. In most countries, this development has tended to favour the right, as the left-wing alternative is either too weak, or has already been co-opted into the mainstream political establishment and may even be represented in government – as in the case of the Greens.

Third, far-right parties have successfully worked on their image and message to, at least officially, distance themselves from any form of Neo-Nazism, fascism, and other types of "brown" past. Every now and then, the press uncovers yet another faux pas – such as Strache's "Kühnen salute" (a three-finger salute popularized by the German Neo-Nazi Michael Kühnen), or party members shoot themselves in the foot by making politically incorrect remarks. In general, however, care is always taken to uphold the appearance of a clean break with the past and to avoid politically compromising vocabulary. Conveniently enough, efforts to promote political correctness and related legislation have remained somewhat fixated on the slightly dated image of Neo-Nazis as primarily anti-Semitic. In today's Europe, the far right can spread essentially the same attitudes with regard to Muslims as they once did concerning Jews and remain unpunished simply because, as it were, Neo-Nazism is anti-Semitic, and thus only anti-Semitism gets punished. The far right's rhetorical skill goes even further, however, as the dividing line they draw between the acceptable and the unwanted no longer runs along lines of religion, ethnicity, or race, but is now based on culture: Turks, Muslims, or Roma do not necessarily need to be sent away, as long as they adapt to the mainstream culture, work hard, avoid building mosques, and, more generally, integrate.

Theories of the Far Right

These rather empirical and prima facie explanations fit well into more established patterns of explaining the rising support for the extreme right in Western Europe, skilfully summarised by Roger Eatwell as demand-side and

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supply-side theories.[28] The "demand-side" refers to the factors that make individuals more likely to support such parties, while the "supply-side" alludes to the strategy of the far-right actors.

Demand-Side Theories

The first of these is the *single-issue thesis*, which implies that the popularity of far-right parties increases when there are major concerns regarding immigration amongst the electorate, especially in relation to issues of unemployment and the perceived scarcity of resources. However, a detailed look at historical statistics shows that far-right success does not necessarily correlate with new waves of immigration. Thus, Eatwell states that the immigration issue "appears to be one of perception more than reality".[29]

The *protest thesis* is the idea that disillusionment with mainstream parties has helped to conjure up support for far-right parties. There are limitations to this approach however, as although voters are likely to protest against the establishment, rational choice certainly also plays a role, and ideological affinity is very important in regards to informing choices.[30]

The *social breakdown thesis* relates the emergence of the extreme right to the sociological idea of anomie – a breakdown of social bonds in modern societies that produces feelings of insecurity and inadequacy. As traditional structures break down, individuals look towards groups that appear to offer them a chance of belonging. Groups, such as the far right, that champion traditional values, the family, and nationalism are especially attractive to individuals who have never experienced a secure social milieu. This theory is based on studies that have found a connection between high levels of social isolation and voting for far-right parties. However, other evidence suggests that there is a high rate of associational membership in far-right groups, whereby members often join through familial ties.[31]

The *(reverse) post-material thesis* is – as its name suggests – modelled on the post-material thesis used in the 1970s and 1980s by sociologists to explain the shift in Western societies from traditional class and economic interests towards more concern for issues such as the environment, emancipation, and feminism. In the 1990s, modifications to this theory were made to help explain the rise in popularity of the far right, as it was increasingly becoming clear that post-materialism had a limited appeal; namely, it was principally popular within sections of society that were young and educated. In fact, many alienated individuals favoured the *reverse* ideals and looked towards parties that promoted conservative values and economic growth through rewarding working people. While it is evident that many far-right parties in

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28 Cf. Roger Eatwell, Ten Theories of the Extreme Right, in: Merkl/Weinberg, cited above (Note 26), pp. 47-73.
29 Ibid., pp. 49-51, p. 50.
30 Cf. ibid., pp. 51-52.
31 Cf. ibid., pp. 52-54.

Europe have adopted these features of the "Anglo-American New Right", parties such as the "Flemish Interest" (*Vlaams Belang,*VB) in Belgium and the *Front National* in France do in fact have an anti-materialist philosophy and give political issues priority over economic concerns.[32]

The *economic-interest thesis* makes the traditional connection between far-right voters and relative deprivation, also including those who are likely to feel the negative economic effects of globalization. The correlation between socioeconomic interest and far-right voting remains unclear, however there is evidence that socioeconomic problems in combination with fears of immigrants being treated more favourably can boost support for the far right.[33]

Supply-Side Theories

The *political opportunity structure (POS) thesis* focuses on two sets of political factors: how the mainstream parties may help or obstruct a far-right party, and how a state's institutional structure can affect smaller parties. Extremist parties are likely to gain support when voters are unable to differentiate clearly between the mainstream parties as they move towards the centre and neglect or converge on issues which are of large concern to the electorate.[34] At the institutional level, proportional representation can give opportunities to smaller parties, such as in France and the Scandinavian countries. While Germany has a five per cent election threshold that makes it hard for smaller parties to be represented at state level, the federal system allows smaller parties to be more successful locally.[35]

While the POS theory ignores the impact of the media, the *mediatization thesis* stresses its power. The media is generally hostile to the far right and often plays a role in delegitimizing the far right electorally. Nonetheless, there have been examples where parts of the media have explicitly supported the far right. Additionally, the media can indirectly aid the far right by focusing on divisive issues such as immigration or by stressing personality or character, which aids far-right parties that tend to be leader-driven. The power of the media to influence the electoral success of the far right is hard to measure, however extensive coverage – both positive and negative – of a party does undoubtedly provide the far right with exposure.[36]

According to the *national traditions thesis*, the success of far-right parties lies in their ability to depict themselves as a "legitimate part of the national tradition" and thus distance themselves from Nazism and fascism.[37] Far-right populist parties are careful to construct a legitimate discourse on

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32   Cf. ibid., pp. 54-56.
33   Cf. ibid., pp. 56-58.
34   Cf. ibid., p. 58.
35   Cf. ibid., pp. 58-60.
36   Cf. ibid., pp. 60-62.
37   Cf. ibid., p. 62.

immigration and the failure of integration. Eatwell emphasises that while national traditions are effective, they are more facilitating factors than causal ones.[38]

The *programmatic thesis* links content of the party programme to support. Political campaigning in general has become increasingly centred around particular issues, and far-right parties are often successful in exploiting these issues by making them central components of their party programme to attract support. Further, there is an idea that far-right parties use a "winning formula" that involves combining authoritarian anti-immigration politics and free market economics.[39]

The *charismatic leader thesis* – is centred on leadership traits as well as audience receptivity. Voters are generally attracted to leaders who are able to deliver messages in a simplified and emotive form. A charismatic leader also has the potential to make a party look powerful, which is important for smaller parties. Like the other explanations, however, one cannot attribute far-right support solely to the charisma of a leader.[40]

Populism – between Extremism and Democracy

Right-wing populism is a delicate issue to handle and a tough choice from a normative point of view. Populism has been defined as "a thin-centred ideology that considers society to be ultimately separated into two homogeneous and antagonistic groups, 'the pure people' and 'the corrupt elite,' and which argues that politics should be an expression of the *volonté générale* (general will) of the people".[41] The people are portrayed as the majority, the man on the street, the "little people", who are at the same time homogeneous and diverse, since they represent various social classes; and they are people who "work hard". All these qualities in effect support the idea of legitimacy, which thus "gives substance to the populist argument".[42] Importantly, populism is not bound to a specific ideological content, but rather refers to "a political style, demagogy, or an electoral strategy".[43] That said, scholars have noted the increasing number of common themes propagated by right-wing and left-wing populism. An important difference between the two, however, which then also spills over to "extremism" of either colour, is the stance to-

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38   Cf. ibid., pp.62-63.
39   Cf. ibid., pp.63-65.
40   Cf. ibid., pp.65-67.
41   Cas Mudde/Cristóbal Rovira Kaltwasser, Populism and (liberal) democracy: a framework for analysis, in Cas Mudde/Cristóbal Rovira Kaltwasser (eds), *Populism in Europe and the Americas. Threat or Corrective for Democracy?* Cambridge 2012, pp. 1-26, p. 8 (emphasis in the original).
42   Jérôme Jamin, Two different realities. Notes on populism and the extreme right, in: Andrea Mammone/Emmanuel Godin/Brian Jenkins (eds), *Varieties of Right-Wing Extremism in Europe*, Abingdon 2013, pp. 38-52, p. 41.
43   Ibid., p. 40.

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wards equality. The far right will always endeavour to create boundaries that separate a community of "us" from "them".

Right-wing extremism has very often been defined in a rather empirical way, by listing various types of attitudes (anti-Semitism, ethnocentrism, nationalism, etc.) and even personality characteristics, such as authoritarianism. Theoretically, a clear-cut differentiation can be made between this and right-wing populism, which "only" attacks the corrupt elites and otherwise tends to support (non-extremist) conservative positions. In reality, the dividing lines are rather porous, as far-right ideas have recently moved to the centre of political discourse, so that representing "the wishes of the people" can in fact display distinct far-right features. For example, more often than not, the critique voiced against the elites has to do with their lax stance on immigration and integration. In an extreme case, Anders Breivik explained that he had to help save Norway from a Muslim invasion and that the Labour Party had to "pay the price" for "letting down Norway and the Norwegian people".[44]

Right-wing populism might appear as less "bad" than extremism since, as mentioned earlier, it avoids judgements based on race, as well as the use of violence to further its purposes. Indeed, and this is an argument that far-right leaders often put forward, its rise has been within and with the help of the democratic system – a system that it, paradoxically, aims to undermine. "One should be allowed to say what one thinks" – we often hear; or, "real democracy does not censor opinions". Indeed, in a paradoxical way, far-right parties play the "freedom of speech" and the "power to the people" cards to legitimize the expression of their, in reality, deeply undemocratic opinions. At the same time, for good measure, they would openly distance themselves from "extremists" and from violence. This is not just a tactical move that allows them to remain on the legal side of things, but also seeks to attract the sympathy of the mainstream, and of its core constituency, which seems to lay a high value on structure, law, and order. Generally, the relationship between populism and democracy has been characterized as follows: "Populism is essentially democratic […] but it is ambivalent towards *liberal* democracy".[45] On the one hand, populism is in favour of popular sovereignty and majority rule, yet, on the other, it clashes with the protection of minority rights inherent to liberal democracy.

While never laid bare and thus far little explored, interlinkages between the legal and the illegal (i.e. extremist) sides of the far right emerge time and again. Studies looking into far-right parties hardly ever glance at this side of their activity, concerned as they are with the workings of the legal political system. Case studies of right-wing extremist and terrorist violence, on the other hand, regularly note en passant that individuals were either mentored, financed, or at some point involved with certain political parties. Life stories

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44   Simon Parkin, *Death by Video Game. Tales of Obsession from the Virtual Front Line*, London 2015, p. 127.
45   Mudde/Rovira Kaltwasser, cited above (Note 41), p. 16 (emphasis in the original).

of individuals involved in right-wing extremism and terrorism also indicate how initial contacts with the far-right ideology and the subsequent deepening of involvement with it are facilitated by the fact that some of their ideas were shared by many representatives of the mainstream, or indeed discussed "down the pub". Authors such as Peter H. Merkl differentiate between sub-cultures, social movements, and political parties, defining subcultures as broader and more diffuse social milieus that produce basic right-wing attitudes. Finally, not unlike their counterparts at the other end of the political spectrum, various segments of the far right will gather together around certain issue clusters – as in the case of the Pegida movement (*Patriotische Europäer gegen die Islamisierung des Abendlandes/*Patriotic Europeans Against the Islamization of the Occident).

The FPÖ missed out on victory by a few percentage points. To his credit, Mayor Häupl's final statements before the election expressed a positive view of refugees rather than stressing messages targeted to his comrades. He thus ran the risk of alienating even more blue-collar voters. The risk paid off and Vienna could breathe again, at least for the time being. Interestingly, and going somewhat against the predictions of most theories, 13 per cent of FPÖ voters were graduates.[46] In their case, it was neither economic tribulations, nor mere fear of foreigners that motivated them to vote for the far right. Indeed, some individuals who were interviewed revealed either their long-standing loyalty to the party, or the fact that they actually agree with the majority of the values and ideas proclaimed by the FPÖ, be it the conservative image of the family or a structured approach to the refugee question. While these findings are in no way broad enough to support any kind of definitive conclusion, they do warrant at least a question mark with regard to the positioning of far-right parties on the mainstream-extreme spectrum. As already indicated in the title, far-right parties are usually categorized as (among other things) "populist", meaning that they stand for what people want. Yet closer analysis frequently reveals their "extremist" nature, the kinds of outrageous, oftentimes outright undemocratic ideas and general distaste for everything foreign. Both mainstream politics and academics might have to face the highly uncomfortable situation whereby this is what "the people" actually want.

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46   Köksal Baltaci, Die untypischen Wähler der FPÖ [The Atypical Voters of the FPÖ], in: *Die Presse*, 17 October, at: http://diepresse.com/home/4846143/Die-untypischen-Waehler-der-FPO.

II.

Responsibilities, Instruments, Mechanisms, and Procedures

Conflict Prevention and Dispute Settlement

Jennifer Croft

Non-Citizens in Estonia and Latvia: Time for Change in Changing Times?

Introduction

Amidst the 2014 events in Ukraine, international media attention quickly turned to another region bordering the Russian Federation: the Baltic states. Cities like Daugavpils and Narva suddenly appeared in the bylines of stories featuring phrases like "the next Crimea" and "little green men". Some high-level Western officials, including NATO Secretary General Anders Fogh Rasmussen, openly commented on the potential for Russia to intervene in the Baltic States,[1] and the US and other NATO allies were swift in providing verbal and tangible reassurances of their commitment to the region's security. On a visit to Tallinn in September 2014, US President Barack Obama declared: "We'll be here for Estonia. We will be here for Latvia. We will be here for Lithuania. You lost your independence once before. With NATO, you will never lose it again."[2] Parallels were drawn not only by the Western media and political leaders but also by politicians in the Baltic region. As Ainars Latkovskis, chairman of the Latvian parliamentary defence and interior affairs committee, said in March 2014: "We must realize that Russia's interference in Ukraine is part of Russia's broader geopolitical strategy in the region which also includes Latvia. It is possible to draw parallels between the influence Russia has been exerting on Ukraine's society for decades and its policy in Latvia."[3]

It was natural for much of the world's focus to fall on Estonia and Latvia. Not only are they the only EU and NATO member states that share borders with "mainland" Russia, but both countries have Russian minorities that make up about a quarter of their population, and an even larger percentage of residents who fall under the broader category of "Russian speakers". Adding another layer of complexity – and, arguably, vulnerability – to the situations of Estonia and Latvia are their populations of "non-citizens", most of whom are ethnic Russians. Non-citizens make up about twelve per cent of the population in Latvia, numbering about 250,000; in Estonia, where the official

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Note: The views contained in this contribution are the author's own and do not necessarily reflect the positions of the OSCE High Commissioner on National Minorities.

1 Ambrose Evans-Pritchard, Putin could attack Baltic states warns former Nato chief, in: *Daily Telegraph*, 5 February 2015, at: http://www.telegraph.co.uk/news/worldnews/europe/russia/11393707/Putin-could-attack-Baltic-states-warns-former-Nato-chief.html.

2 Tim Hanrahan, Obama Transcript: NATO Will Defend Estonia, Latvia Lithuania, in: *The Wall Street Journal*, 3 September 2014, at: http://blogs.wsj.com/washwire/2014/09/03/obama-transcript-nato-will-defend-estonia-latvia-lithuania.

3 Baltic News Service, 3 March 2014.

term is "persons of undetermined citizenship", they number about 82,000, or about six per cent of the population.[4] These are former USSR citizens and their descendants who have not received citizenship automatically, obtained citizenship through naturalization or other means, or taken another country's citizenship since the restoration of Estonian and Latvian independence. Furthermore, Latvia and Estonia are home to large numbers of Russian Federation citizens who are permanent residents: According to official figures, there are approximately 40,000 of these in Latvia and more than 90,000 in Estonia.[5]

While the UN Refugee Agency (United Nations High Commissioner for Refugees, UNHCR) and other international bodies categorize non-citizens as "stateless", they are not generally referred to as such by the Estonian or Latvian authorities, in light of the option they have to naturalize and the access the enjoy to many of the same benefits as citizens, including consular protection abroad. The Russian Federation has long been vocal in its criticism of Estonia and Latvia over their citizenship policies (as well as other policies affecting national minorities), including calling for international institutions to more vigorously take up the situation of non-citizens. Against the backdrop of the situation in Ukraine, including the illegal annexation of Crimea, it is inevitable that questions have arisen such as: How connected do Russian minorities feel to the Estonian and Latvian states where they reside, especially where some have never obtained citizenship? How real are their grievances and could they be vulnerable to attempts at mobilization or radicalization? How would they react if Russia were to step up pressure, invoking the need to defend its "compatriots"?

The non-citizen issue is undeniably an important element in the mix. Citizenship is, of course, one of various aspects of identity that can play a role in integration. But, as stated in the *Ljubljana Guidelines on Integration of Diverse Societies* drawn up by the OSCE High Commissioner on National Minorities (HCNM), citizenship has an important symbolic value as a signal of common belonging on the part of both the holder and the granter of citizenship. The Guidelines also warn that "The long-term presence of a significant number of persons without citizenship in a State runs counter to the integration of society and potentially poses risks to cohesion and social stability."[6] The experience in other OSCE participating States has shown how "passport politics" can be used to pursue political and even military aims.

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4   For the Latvian figures, see: Ministry of Foreign Affairs of the Republic of Latvia, *Naturalisation*, at: http://www.mfa.gov.lv/en/policy/society-integration/citizenship/ naturalisation; The Estonian figures are from: Estonia.eu, *Citizenship*, at: http://estonia.eu/about-estonia/ society/citizenship.html.

5   Figures from Latvia as of 1 January 2015, according to data from the Central Statistical Bureau of Latvia, *Population Register*, available at: http://www.csb.gov.lv. Figures from Estonia as of 1 August 2015, according to data from Estonia.eu, cited above (Note 4).

6   OSCE High Commissioner on National Minorities, *The Ljubljana Guidelines on Integration of Diverse Societies*, November 2012, at: http://www.osce.org/hcnm/96883, p. 43.

Even though their numbers are declining, the fact remains that non-citizens in Estonia and Latvia constitute a sizeable group of people who, despite other deep bonds they may have to the states where they reside, lack the practical and symbolic bond between individual and state that citizenship provides. As such, their situation continues to attract external scrutiny and presents an ongoing internal challenge to the integration process. This article will seek to focus on the non-citizen populations in Estonia and Latvia, reflecting on what their situation means for the Estonian and Latvian authorities in the current security context and what might be done to address internal and external vulnerabilities linked to it.

Non-Citizens: The Current Situation

"Russian minorities" in the Baltic states are often painted in broad strokes, but these groups have their own degree of diversity, including in terms of citizenship. Non-citizens are in fact a minority within a minority, as most persons belonging to national minorities in Estonia and Latvia are also citizens of the countries in which they reside. There is a certain degree of ethnic diversity among non-citizens as well. Russians make up about 66 per cent of non-citizens in Latvia and about 80 per cent in Estonia. Other groups represented among the non-citizen populations include ethnic Belarusians, Ukrainians, and Poles.[7]

The number of non-citizens has declined significantly since the restoration of Estonian and Latvian independence and will continue to do so, but the issue is not going away on its own, mostly because of slow naturalization rates. Projections in Latvia vary between estimates that there will be no non-citizens in twenty years and more realistic forecasts that the number could fall as low as 74,000.[8] Estonia's newest integration strategy, "Integrating Estonia 2020", projects that the number will decline to about 82,000 by 2020.[9] The numbers are declining for various reasons, including measures to facilitate citizenship for children, naturalization, migration, and acquisition of citizenship of another state (usually the Russian Federation) by non-citizens.

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7   According to the Central Statistical Bureau of Latvia, the total non-citizen population at the start of 2015 included 159,804 ethnic Russians, 24,448 Belarusians; 23,178 Ukrainians, 8,703 Poles, and 6,186 Lithuanians, with smaller numbers of non-citizen Roma, Jews, and other ethnicities; see Central Statistical Bureau of Latvia, cited above (Note 5). The Statistics Estonia database provides specific figures only for Estonians and Russians, with other ethnicities grouped under "other ethnic nationalities"; see Statistics Estonia at: http://www.stat.ee/en.

8   Cf. Baltic Institute of Social Sciences, *Analysis of Integration of Latvian Non-Citizens*, Riga 2014, pp. 78-79, at: http://www.biss.soc.lv/downloads/resources/nepilsoni/BISS_Noncitizens_2014.pdf.

9   Cf. Estonian Ministry of Culture, *The Strategy of Integration and Social Cohesion in Estonia, "Integrating Estonia 2020"*, no place of publication, 2014, at: http://www.kul.ee/sites/default/files/integrating_estonia_2020.pdf.

Non-citizens are also an aging group overall, so some of the decrease is occurring for natural reasons.

Efforts have been made in Estonia and Latvia to facilitate naturalization opportunities and especially to address the situation of non-citizen children, but the fundamental approach to citizenship has changed little in the last 15 years, reflecting the mainstream political consensus. While citizenship legislation was amended in 2013 in Latvia and in 2015 in Estonia, the laws were also opened up for discussion because of an interest in liberalizing rules on dual citizenship, a topical issue for both countries given their demographic situations.

The 2013 amendments to Latvia's 1994 Law on Citizenship marked the first time the law was amended since 1998. The amendments ease naturalization procedures for certain categories of non-citizens, such as those who have completed more than half of the basic educational programme in the Latvian language, and provide for children of non-citizens to be registered as Latvian citizens at birth with an application submitted by only one of the parents. The provision also applies retroactively to children under the age of 15. While not automatic per se – the process still requires a parent to file an application – the amendments still represent an improvement over the previous situation, and have had a clear effect in terms of increasing the percentage of children born to non-citizens who receive Latvian citizenship. In fact, this increase had already begun as the result of changes to cabinet of ministers regulations in 2011, which provided that parents could apply for Latvian citizenship for their children at the same time as registering their birth. The OSCE HCNM Astrid Thors noted this positive trend of children of non-citizens being registered as Latvian citizens during her visit to Latvia in autumn 2014.

Amendments to Estonia's 1995 Citizenship Act were adopted in January 2015. The most significant amendments concerning non-citizens relate to non-citizen children and naturalization applicants over 65 years of age. According to the amendments, children born in Estonia to persons of undetermined citizenship will receive citizenship by naturalization at birth if the parent or parents meet the relevant criteria and do not decline Estonian citizenship for their child within one year; the provision applies to children up to the age of 15. In addition, naturalization applicants over age 65 are released from the written portion of the Estonian-language part of the naturalization exam. (Previously this exemption applied only to applicants born before 1930.) Even if the numbers of non-citizens may not see a large decrease as a result of the amendments, the changes are in line with recommendations of international institutions and, as in Latvia, will help to address the perpetuation of statelessness in future generations.

All but a small number of non-citizens (for example, individuals who are deemed to threaten state security) are eligible to obtain citizenship through naturalization. The Latvian ministry for foreign affairs website states: "All preconditions for a successful naturalization process have been created. Furthermore, the naturalisation process in Latvia is amongst the most liberal in Europe."[10] According to official Estonian government information, "the Estonian Government actively promotes the acquiring of Estonian citizenship through naturalisation, thus reducing the number of persons with undetermined citizenship. The Government is constantly dealing with this matter and has made the acquisition of Estonian citizenship easier in many ways, especially for children."[11] In reality, however, the naturalization rate in both countries has stagnated. In Estonia, the number of people naturalizing per year has not surpassed 2,000 since 2008. In 2013 the figure was 1,316, going up slightly to 1,589 in 2014, before dropping to 884 in 2015.[12] The slowdown of the naturalization process is mentioned as one of the central problems in the area of integration in Estonia's latest integration strategy. In Latvia, 777 people naturalized in 2015, 939 people in 2014, and 1,732 in 2013 (the first year the number dropped below 2,000).[13] The head of the Naturalization Board told Latvian National Television that naturalization applications dropped by 40 per cent in 2014 amidst the events in Ukraine.[14] In Estonia, the latest integration report expresses concern about a sizeable third generation of non-citizens, noting that as many as 19 per cent of people of other (non-Estonian) ethnicities who were born in Estonia, and whose parents were born in Estonia, are still non-citizens.

For many non-citizens, the decision not to naturalize is a pragmatic one. A 2014 government-sponsored survey in Latvia found that 81 per cent of respondents had no plans to obtain Latvian citizenship in the next year, with most giving the reason that they have no need for Latvian citizenship.[15] This reinforces the findings of other studies, which indicate that practical considerations dominate decisions about whether or not to naturalize, rather than a

10   Ministry of Foreign Affairs of the Republic of Latvia, *Citizenship*, at: http://www.mfa. gov.lv/en/policy/society-integration/citizenship.
11   Estonia.eu, cited above (Note 4).
12   Cf. Ibid.
13   Cf. Latvijas Republikas Iekšlietu Ministrijas, Pilsonības un Migrācijas Lietu Pārvalde [Ministry of the Interior of the Republic of Latvia, Office of Citizenship and Migration Affairs], *Statistika: Naturalizācija* [Statistics: Naturalization], at: http://www.pmlp.gov.lv/ en/home/statistics/naturalization.html.
14   Cf. Baltic News Service, *Non-citizens' interest in getting Latvian citizenship has dwindled – official*, at: http://www.bns.lv/en/topic/1905/news/49892376.
15   Cf. SKDS, *Piederības sajūta Latvijai, Mazākumtautību Latvijas iedzīvotāju aptauja,* 2014.gada maijs – jūnijs, [Sense of Belonging to Latvia, Minority Latvian population survey, May-June 2014], p. 25, at: http://www.mk.gov.lv/sites/default/files/editor/ atskaite_piederiba_08_2014.pdf.

sense of belonging (or not belonging) to Latvia.[16] In Estonia, the latest government-sponsored report on the integration of Estonian society notes "a lack of strong motivators" for undertaking the naturalization process, such as the feeling among non-citizens that non-citizen status does not hinder them from living in Estonia and eases travel to Russia and other CIS countries.[17] (Non-citizens from both Estonia and Latvia are able to travel without visas within the EU and, since 2008, to the Russian Federation as well.)

The low naturalization rate cannot be solely attributed to non-citizens' pragmatic choices, however. State language proficiency of minorities, although continuing to improve in both countries, is linked to the naturalization situation. According to a study by the Baltic Institute of Social Sciences (BISS), there is a strong correlation between high self-assessment of language skills and intention to obtain Latvian citizenship during the next year, while poor Latvian skills represent a significant obstacle for non-citizens over 40. The report summarizes its findings as follows: "Altogether it must be concluded that availability of Latvian language courses (free of charge or with very little co-payment) in Latvia is still topical."[18] Language proficiency may be a barrier to naturalization among some young people, too: In a survey of non-citizen high school students in Riga, most indicated a lack of Latvian language skills as their primary obstacle to naturalization.[19]

The language issue also looms large for potential naturalization applicants in Estonia. The latest government-sponsored survey to monitor the integration of Estonian society, Estonian Society Monitoring 2015, found that the majority of non-citizens wish to obtain Estonian citizenship, but an inability to learn Estonian was mentioned as the main obstacle to doing so.[20] One factor may be that Estonia was later than Latvia in introducing bilingual education in Russian-language schools. A ministry of education study publicized in early 2015 found that one-third of Russian-language primary school graduates did not have sufficient language skills to begin studying subjects in Estonian at the secondary level.[21] The limited Estonian-language environment in Narva, where less than half of the city's population have Estonian citizenship, is a particular challenge to Russian speakers living there who seek to learn and use the state language.

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16   Cf. Baltic Institute of Social Sciences, cited above (Note 8), p. 43.
17   Raivo Vetik/Kristina Kallas/Jüri Kruusvall/Ellu Saar/Jelena Helemäe/Cenely Leppik/ Laura Kirss/Külliki Seppel/Kats Kivisitik/Pille Ubakivi-Hadachi, *Estonian Society Monitoring 2015*, p. 3, at: http://www.kul.ee/sites/default/files/news-related-files/kokkuvote_ eng.pdf.
18   Baltic Institute of Social Sciences, cited above (Note 8), p. 50
19   Cf. LSM.LV, Public broadcasting of Latvia, *Special Report: Twenty Years of Naturalization*, at: http://www.lsm.lv/en/article/societ/society/special-report-twenty-years-of-naturalization.a117307.
20   Cf. Vetik et al., cited above (Note 17), p. 3.
21   Cf. news-err.ee, Estonian Public Broadcasting, *Third of Russian-language school students failed to reach required Estonian level*, 15 January 2015, at: http://news.err.ee/v/ education/b4b0c6eb-ecbc-4c5f-b510-1633c6076007.

Public opinion polls about the attitudes of minorities in Estonia and Latvia amidst the Ukraine crisis have not raised red flags that they dream of being rescued by Russia or consider this a likely scenario. A government-sponsored poll of persons belonging to national minorities in Latvia showed that more than 60 per cent consider themselves to be patriots of Latvia.[22] Overall, the number of minorities who say that they are proud to be citizens or residents of Latvia has continued to increase since the first such survey in 2009. Most respondents did not support the authorization to use Russian forces on Ukrainian territory.[23] The Estonian Society Monitoring 2015 survey found that all but about one-fifth of ethnic Russians reported having a moderate or strong national identity. A public opinion poll commissioned by an Estonian member of the European Parliament in early 2015 found that more than 90 per cent of non-Estonians did not consider a conflict with Russia to be possible, compared to about 60 per cent of Estonians.[24]

At the same time, there is clearly potential to enhance integration through greater outreach to and inclusion of minorities, especially non-citizens. There are signs that non-citizens risk remaining on the margins amidst ongoing progress in the integration of the Estonian and Latvian societies. Non-citizens in the Latvian government-sponsored poll were less likely to report being proud of being a citizen/resident of Latvia (50 per cent) than persons belonging to national minorities who are citizens (63 per cent). Non-citizens are also less likely to take part in political or civic activities than their fellow minorities who are citizens. The aforementioned 2014 BISS study of non-citizens in Latvia cites 2013 survey results showing that two-thirds of Latvian non-citizens feel "very closely" or "closely" connected to Latvia, although this figure had declined compared to 2010. The number of non-citizens who feel proud of being inhabitants of Latvia has declined since 1997 to 44 per cent, while an increased number (51 per cent) stated that they are not proud of being inhabitants of Latvia.[25] A significant number of non-citizens interviewed in the study reported that even if they do not experience discrimination as non-citizens in their own lives, they resent the status of non-citizen, having spent all or most of their lives in Latvia.

In Estonia, minorities have lower levels of trust in state institutions than ethnic Estonians, with non-citizens having the least trust in any institution.[26]

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22 Cf. Latvijas Republikas Ministru kabinets [Cabinet of Ministers of the Republic of Latvia], *Government urges to strengthen the national minorities' sense of belonging to Latvia*, 26 August 2014, at: http://www.mk.gov.lv/en/aktualitates/government-urges-strengthen-national-minorities-sense-belonging-latvia.
23 Cf. ibid.
24 Cf. news.err.ee, Estonian Public Broadcasting, *Survey organized by an Estonian MEP says that people skeptical about war with Russia*, 29 January 2015, at: http://news.err.ee/v/politics/76400b2c-1bbb-4504-b330-0ed0bb205422.
25 Cf. Baltic Institute of Social Sciences, cited above (Note 8), pp. 52, 55.
26 Cf. Vetik et al., cited above (Note 17), p. 3.

Estonia's integration policy, which has identified different target groups for integration ranging from "successfully integrated" to "not integrated", considers the "moderately or little integrated" group to mostly consist of non-citizens.[27] A report by the Estonian International Centre for Defence and Security in 2014 warned: "Today a large part of the more linguistically proficient, affluent, and active Russian-speaking community has become successful citizens. However, the less affluent or less active are becoming an excluded and alienated group of stateless people, with the rift between the groups having, if anything, grown deeper."[28] The report cites surveys showing that less than 40 per cent of non-citizens in Estonia would be ready to take part in defence activity in the event of an attack – an even lower percentage than after the 2007 Bronze Soldier crisis. (Still, more than half of non-citizen males under age 60 affirm their readiness to participate in the country's defence.)

Despite the resentment that some non-citizens may feel, attempts to organize around the non-citizens issue have not mobilized them in large numbers. The Congress of Non-citizens, established in Latvia in 2012, claims to have more than 7,000 members around the country, but appears to focus most of its outreach efforts on raising awareness among the international community. While maintaining an active online presence, primarily in the Russian language, the organization's effectiveness in advocating with the Latvian government will likely be limited, as the authorities consider its leadership to be radical and affiliated with Russian compatriot policy. A small group of activists in Estonia established a non-citizens group in 2014; as of August 2015 it had about 600 "likes" on its Facebook page.

External Vulnerabilities

Relevant bodies of the UN, Council of Europe, and OSCE have repeated concerns about the non-citizens issue over the years; the US State Department includes the issue in its annual human rights reports on Estonia and Latvia. However particularly persistent and vocal criticism has come from Moscow. Even before the Ukraine crisis, these critiques could not be seen in isolation from the broader Russia-West relationship, including Russian views towards NATO enlargement and Russia's role in its "near abroad" and the "Russian world".

The situation of Russian minorities in the Baltic states, and in particular the plight of non-citizens, is often cited in official Russian statements of con-

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27 Cf. Estonia.eu, *Integration in Estonian Society*, 20 March 2014, at: http://estonia.eu/about-estonia/society/integration-in-estonian-society.html.

28 Juhan Kivirähk, *Integrating Estonia's Russian-Speaking Population: Findings of National Defense Opinion Surveys*, December 2014, p., 6, at: http://www.icds.ee/publications/article/integrating-estonias-russian-speaking-population-findings-of-national-defense-opinion-surveys.

cern for compatriots abroad. But amidst the continuing conflict in Ukraine, Russia's rhetoric has attracted more scrutiny, particularly for any signs of escalation in tone. President Vladimir Putin, addressing a joint meeting of the Council for Interethnic Relations and the Council for the Russian Language in May 2015, referred to countries that pursue a "tough, aggressive policy of linguistic and cultural assimilation", noting: "We see what this may lead to: the division of society into 'full-fledged' citizens and 'inferior' ones, into 'citizens' and 'non-citizens' and even to outright tragic internal conflicts."[29] Konstantin Dolgov, the Russian Foreign Ministry's Special Representative for Human Rights, Democracy, and the Rule of Law, told the Regional Conference of Russian Compatriots of Latvia, Lithuania, and Estonia, held in Riga in September 2014, that the problems of Russian compatriots in the Baltic states were at the centre of attention in the Russian ministry of foreign affairs, and referred to "mass deprivation of citizenship" in Estonia and Latvia as unacceptable.[30] In Foreign Minister Sergei Lavrov's address at a meeting with members of the World Coordination Council of Russian Compatriots in Moscow in May 2015, he spoke of Russia's Fund to Support and Protect the Rights of Compatriots Living Abroad: "The fund renders qualified legal aid to our compatriots abroad, primarily those in the Baltic states, when their legitimate rights are violated."[31] In March 2015, the State Duma held a roundtable on the plight of non-citizens in Estonia and Latvia, during which non-citizens organizations requested Russian help. According to press reports, the MPs agreed to make a statement to the OSCE Parliamentary Assembly regarding the unacceptability of the violations of rights of non-citizens.

For now at least, the official rhetoric has been mostly "business as usual". Dolgov even had some cautiously positive words about the amendments to the Estonian Citizenship Act concerning non-citizens, tweeting about the proposed amendments in fall 2014: "If adopted, this would be an important palliative step, however delayed for 20 years, toward liquidating the institution of non- citizenship in Estonia. This is only the beginning of a

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29 President of Russia, *Joint meeting of Council for Interethnic Relations and Council for the Russian Language*, 19 May 2015, at: http://en.kremlin.ru/events/councils/by-council/28/49491.

30 Ministerstvo inostrannykh del Rossijskoi Federatsii [The Ministry of Foreign Affairs of the Russian Federation], *Vystuplenie Upolnomochennogo MID Rossii po voprosam prav cheloveka, demokratii i verkhovenstva prava K.K. Dolgova na Regionalnoj konferentsii rossijskih sootechestvennikov Latvii, Litvy i Estonii, Riga, 13 sentyabrya 2014 goda* [Speech by Russian Foreign Ministry Commissioner for Human Rights, Democracy, and the rule of law K.K. Dolgova at the Regional Conference of Russian Compatriots in Latvia, Lithuania, and Estonia, Riga, 13 September 2014], 15 September 2014, at: http://archive.mid.ru//brp_4.nsf/newsline/0AD973C5C78C12B944257D5400382B03 (author's translation).

31 The Ministry of Foreign Affairs of the Russian Federation, *Sergey Lavrov's address at a meeting with members of the World Coordination Council of Russian Compatriots, Moscow, 28 May 2015*, 28 May 2015, at: http://archive.mid.ru//brp_4.nsf/0/D0EBAF7E4102908743257E54004A4F7B.

path to implement recommendations by international human rights institutions and dismantle the phenomenon of null citizenship disgraceful for Europe."[32]

In official statements, Russia often sticks to references to the recommendations of international institutions, as Foreign Minister Lavrov did following his meeting with Latvian Foreign Minister Edgars Rinkevics in January 2015. He stated that Russia insisted on compliance with the recommendations of the OSCE, the Council of Europe, and relevant UN committees concerning non-citizens: "Nothing more nor less".[33] In principle, there is nothing inconsistent with such a statement and *The Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations*,[34] which encourage states to address their concerns for persons or situations within other states through international co-operation and full support of international human rights standards and mechanisms.

Understandably jittery, Estonian and Latvian officials have sought out stronger security guarantees from Western partners while downplaying possible risks linked to the integration situation. Estonian President Toomas Hendrik Ilves commented in January 2015 that a Russian incursion into Estonia was "fairly inconceivable", stating that Russian speakers had strong incentives to remain in Estonia.[35] As political debates raged in Latvia over what the country's response should be to the EU migration crisis, former Latvian President Vaira Vike-Freiberga warned: "If Latvia declares that it is not able to integrate other people in their country, we are too weak and inable, then it is the white flag saying that somebody has to come and arrange things here."[36]

The public annual reviews of both the Estonian and Latvian security services list Russia's compatriot policy as one of the main national security threats, with some non-citizen advocates portrayed as closely connected to it. In Latvia, the leaders of the Non-Citizens Congress were named in the 2014 annual review of the Latvian security police as an instrument of Russian

32   Baltic News Service, *Russia welcomes Estonia's plan to simplify acquisition of citizenship*, 8 October 2014.

33   *Ministerstvo inostrannykh del Rossijskoi Federatsii [The Ministry of Foreign Affairs of the Russian Federation], Russia's Foreign Minister Sergey Lavrov addresses the media during a joint news conference with his Latvian counterpart Edgars Rinkevics summarising their talks. Moscow, 12 January 2015,* 12 January 2015, at: http://www.mid.ru/web/guest/maps/lv/-/asset_publisher/9RJVTEXfWg7R/content/id/882287?p_p_id=101_INSTANCE_9RJVTEXfWg7R&_101_INSTANCE_9RJVTEXfWg7R_languageId=en_GB.

34   Cf. OSCE HCNM, *The Bolzano/Bozen Recommendations on National Minorities in Inter-State Relations & Explanatory Note*, June 2008, at: http://www.osce.org/hcnm/33633.

35   Quoted in: Dhara Ranasinghe, *How much should Russia's neighbors fear Moscow?* CNBC, 23 January 2015, at: http://www.cnbc.com/id/102363625.

36   LSM.LV, Public Broadcasting of Latvia, *Former president decries "political circus" over refugees' fate*, at: http://www.lsm.lv/en/article/politics/former-president-decries-political-circus-over-refugees-fate.a140113.

compatriot policy.[37] In early 2015, the organization's leader was reportedly barred from entering Estonia. However the security services also publicly downplay the risk that the instruments of compatriot policy will be effective in mobilizing people in large numbers. While the Latvian Security Police's 2014 annual report notes a continued increase in the role of Russian compatriot policy in Latvia in connection with the Ukraine crisis, it concludes: "Support to the activists of the Russian compatriot policy remains insignificant among the residents of Latvia, despite the intensive efforts to divide society."[38] The Estonian Internal Security Service (*Kaitsepolitseiamet*, KaPO) annual review for 2014 states that Russian "extremists" in Estonia are limited in number and that attempts to mobilize Estonia's ethnic Russians to support Russian activities in Ukraine were unsuccessful. The report states: "We do not have the manifestations of separatism that many foreign journalists came to look for in Estonia at the time of events in Ukraine. Now and then, websites appear in support of the idea of autonomy for Ida-Virumaa, predominantly the Russian-speaking county in north-eastern Estonia, but they lack any real content or support."[39]

Of course it would be naive not to be watchful (as the authorities certainly are) for signals of a change in Russian posture, provocative or radical actions by local or outside groups or individuals, markedly more aggressive campaigns in the Russian media or on social networks, or other worrying developments. For the Estonian and Latvian authorities, it is more critical than ever to adhere to democratic and human rights principles while addressing suspected or potential security threats. Being too quick to brand any activism on behalf of non-citizens the work of Russian compatriot policy would send a negative message, as would a weak response to attempts to engage in divisive political rhetoric, fear-mongering, or hate speech aimed at non-citizens or minorities generally.

What Way Forward?

Even as the risks should not be exaggerated, it should not be denied that the issue of non-citizens remains a challenge both internally and externally for Estonia and Latvia. There are arguments that could be put forward for maintaining the status quo: Opportunities to access citizenship are available to those who want it, and the numbers of non-citizens will continue to go down, albeit slowly, regardless of measures taken. There is no serious internal political pressure to take up the non-citizens issue; issues related to non-citizens were little discussed in the most recent parliamentary elections in Estonia and

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37   Cf. Drošības Policija Latvijas Republika [Security Police of the Republic of Latvia], *Security Police Annual Report 2014*, Riga, July 2015, available at: www.iem.gov.lv.
38   Ibid., p. 10.
39   Kaitsepolitseiamet [Internal Security Service], *Annual Review 2014,* p. 7, available at: https://www.kapo.ee/sites/default/files/public/content_page/Annual Review 2014.pdf.

Latvia. Changing Russia's visa policy is outside the control of the Estonian and Latvian authorities, making it difficult to overcome a major pragmatic consideration. But these should not be excuses for not taking more proactive measures to encourage non-citizens to become citizens and to facilitate their doing so. This should include not only addressing remaining practical and psychological obstacles to naturalization, but also promoting active citizenship in a broader sense.

This is not to say that these matters are not already on the agenda. Estonia's newest integration strategy features as its second sub-objective "The participation of less integrated permanent residents with a foreign background in society has increased through acquiring Estonian citizenship and through new social knowledge."[40] A number of measures are planned, including preparatory courses for naturalization exams and "flexible integration services". Latvia's *Guidelines on National Identity, Civil Society and Integration Policy (2012-2018)* name the reduction in the number of non-citizens as an important task for integration policy and envisage strengthening forms of participation and Latvian language skills among non-citizens. Such strategies and activities are important, but more robust approaches may be needed before any breakthroughs can be expected. This might include reconsidering the institutional approach to integration – which in the case of both countries is handled by relatively small departments within the respective ministry of culture – and the level of funding for integration activities.

Addressing obstacles related to state language knowledge should continue to be a priority, with an emphasis on expanding free or low cost language training opportunities. State-sponsored language learning opportunities may also reinforce perceptions of the state's commitment to promoting integration; persons belonging to national minorities surveyed by the Baltic Institute of Social Sciences in 2015 named Latvian language courses most often as an example of government-provided support for ethnic minorities.[41] In Estonia, consideration could be given to changing the policy on language training to reduce or eliminate up-front costs rather than the current reimbursement system for naturalization applicants who successfully pass the exams.

Another important aspect is to involve non-citizens more in public life, recognizing their contributions to Estonian and Latvian societies and sending the message that they are wanted and needed as citizens, even if they do not choose to naturalize at the moment. In some ways non-citizens can be seen as "hidden patriots" – people who have made the choice not to take Russian or other citizenship or to leave the country. In the case of Latvia, an important step towards bringing non-citizens more into the fold of society and encouraging their participation would be to extend rights for non-citizens to vote in

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40   Estonian Ministry of Culture, cited above (Note 9), p. 17.
41   Cf. Baltic Institute of Social Sciences, *Minority Participation in Democratic Processes in Latvia*, Riga 2015, p. 82.

local elections. This would not only fulfil a longstanding recommendation of international organizations but could help to win hearts and minds. The BISS report states, "Altogether Latvian non-citizens are quite united in their attitude and argumentation that non-citizens should be allocated rights to participate at the elections of local government."[42] Fears that this might bring radical elements into office might be overstated; in the October 2014 parliamentary elections, the Latvian Russian Union did not win enough votes to pass the five per cent threshold. In Estonia, lifting the restriction on political party membership for non-citizens, as recommended by the OSCE Office for Democratic Institutions and Human Rights (ODIHR), should be considered as a measure to encourage participation and send a message of inclusion.

Russian-language media is another critical aspect, not only in the information war over Ukraine but also as a tool to reach out to non-citizens. Efforts to expand locally and regionally produced Russian-language broadcasting offer new opportunities to do this. Discussions that began in spring 2014 about a joint Baltic Russian-language TV channel evolved into more modest plans by 2015 as Estonia and Latvia announced that they would co-operate on Russian-language media production. In 2014, the Latvian authorities expanded broadcasts of Russian-language Latvian public radio to eastern border areas, and the public broadcaster increased its programming in Russian, including with the addition of a weekly analytical programme and expansion of its Russian-language website. During her visit to Latvia in October 2014, the OSCE HCNM, Astrid Thors, praised these positive developments. Estonia's public broadcaster launched its first Russian-language TV channel in September 2015.

While such efforts might be too little too late, they have the potential to help, and should be combined with other public information efforts to reach out to non-citizens. As noted by the Baltic Institute of Social Sciences, misinformation about the content of the naturalization exam, in particular the level of Latvian language knowledge required to pass, prevents some non-citizens in Latvia from pursuing naturalization, indicating that the level of awareness about naturalization procedures can be raised further. Svetlana Djackova of the Latvian Centre for Human Rights suggests that the increase in non-citizen parents registering their children as citizens demonstrates that there is interest among non-citizens in seeing their children become Latvian citizens and that more active efforts should be made to reach out to parents of children under 15 who have not yet received Latvian citizenship.[43]

Russian-language media can also be used as a way to engage in a dialogue with non-citizens about their concerns and convey the message that they are valued as members of Estonian or Latvian society, as well as to en-

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42   Baltic Institute of Social Sciences, cited above (Note 8), p. 74
43   Cf. Svetlana Djackova, *Statelessness among children in Latvia: current situation, challenges and possible solutions*, 29 September 2014, at: http://www.statelessness.eu/blog/statelessness-among-children-latvia-current-situation-challenges-and-possible-solutions.

courage their more active participation in public life. More creative efforts to reach non-citizens could make a difference in helping them to feel "wanted" and in turn stimulate interest in eventually obtaining citizenship. The need for positive messages should not be underestimated. A woman from Daugavpils told the Baltic Institute of Social Sciences interviewers: "In 1992, when it was necessary to vote, I voted for independent Latvia. In result it turned out that I am nobody."[44]

The Ukraine crisis has certainly prompted reflection in Estonia and Latvia about the state of integration and inspired rhetoric by politicians about the need to strengthen societal cohesion; however it remains to be seen how much this might translate into new measures to address the situation of non-citizens. In an environment where some political elements might seek to exploit minority issues, it is also important to avoid moves that send a negative message to non-citizens about their inclusion in society. Estonia's Conservative People's Party, which won seven parliamentary seats in the March 2015 election, has said that the party will try to promote legislation revoking the right of non-citizens to vote in local elections.

Sociologist Juhan Kivirähk suggests: "Twenty years after the Republic of Estonia was established in 1938, our country considered itself strong enough to waive the language requirement for naturalization of people who have lived in Estonia for over 10 years. Why couldn't today's Estonia offer citizenship to all 47,000 non-citizens who were born in Estonia?"[45] Such seemingly dramatic changes may not happen in the near future, but they could at least be discussed. Estonia's minister of culture, Indrek Saar, has proposed having a dialogue about citizenship requirements, noting that the Estonian public is ready for such a discussion, even though his party's coalition partners have downplayed the possibility of relaxing any requirements. Also positive is the expansion (with EU funding) of free basic- and intermediate-level Estonian language courses, which have so far proved popular. What look like small steps can help set a more constructive tone, such as Latvian President Raimonds Vējonis's public encouragement to non-citizens who graduated schools with Latvian language of instruction before 1 October 2013 to acquire Latvian citizenship by registration before the 1 October 2015 deadline, as provided by a transitional provision in the Citizenship Law.

Conclusion

The term "hybrid warfare" has become fashionable, and reflections on vulnerabilities and readiness have become more topical. While one could argue that dealing with a complex combination of tactics and threats is nothing new for Estonia and Latvia, the approach to integration, including the question of

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44   Baltic Institute of Social Sciences, cited above (Note 8), p. 45.
45   Kivirähk, cited above (Note 28).

non-citizens, needs to be multifaceted too. Using current events to invigorate the approach to non-citizens would not mean that previous efforts had failed, but would rather reflect that integration is an ongoing process requiring proactive policies and often demanding robust resources as well as brave political leadership. Estonia's and Latvia's international partners can help encourage this process, both in political messages and through targeted financial assistance, as another important aspect of strengthening security in the region.

Gyorgy Szabo

The OSCE Project Co-ordinator in Uzbekistan

When Uzbekistan obtained independence in 1991, the country had an opportunity to shape its own future, and committed itself to building a state and a society that adhered to OSCE principles. Ever since then, the OSCE's field presence in Uzbekistan has been assisting the government in this endeavour.

Much has changed since the OSCE opened its Liaison Office in Central Asia in Tashkent in 1995. That office later became an OSCE Centre, which in turn was succeeded by the Project Co-ordinator in Uzbekistan (PCUz). It is the intention of this contribution to consider the circumstances of the PCUz, examine its mandate and recent achievements, and set out the prospects for future co-operation.

The Project Co-ordinator in Uzbekistan: Mandate and Activities

On 16 March 1995, by virtue of Permanent Council Decision No. 28, the OSCE established its first field presence in Central Asia in Tashkent. Five years later, after other Central Asian states had gradually welcomed their own field missions, the Liaison Office in Central Asia became the OSCE Centre in Tashkent, with a mandate to "promote the implementation of OSCE principles and commitments" and to "perform tasks deemed appropriate by the Chairman-in-Office or other OSCE institutions and agreed on between the Republic of Uzbekistan and the OSCE".[1]

In 2006, that mandate was revised significantly by Permanent Council Decision No. 734, which led to the establishment of a new kind of field presence for the OSCE: the OSCE Project Co-ordinator in Uzbekistan. The new operation was designed to conduct activities agreed upon with the government of Uzbekistan with a view to assisting the latter in implementing OSCE principles and commitments, ensuring security and stability, and supporting the efforts of the government of Uzbekistan with regard to further socio-economic development and environmental protection.[2]

The PCUz's project-based activities are developed together with local stakeholders and agreed on by the government on an annual basis. Any ex-

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Note: The views contained in this contribution are the author's own.

1   Organization for Security and Co-operation in Europe, *Permanent Council, Decision No. 397, OSCE Centre in Tashkent*, PC.DEC/397, 14 December 2000, p. 1, 2, at: http://www. osce.org/pc/12636.

2   Cf. Organization for Security and Co-operation in Europe, Permanent Council, Decision No. 734, *OSCE Project Co-ordinator in Uzbekistan*, PC.DEC/734, 30 June 2006, at: http://www.osce.org/pc/19717.

tension of project activities beyond the initially agreed period requires a new agreement.

Project beneficiaries and other national stakeholders are systematically involved in all steps of the project's genesis and implementation, leading to a greater sense of ownership by national partners. This form of co-operation ensures that there is political will to tackle the issues at hand, which allows the PCUz to better leverage its staff's time and financial resources and positively affects capacity-building efforts. Below, we present several projects, covering all three dimensions of the OSCE, to show how the process works in practice and what a difference these projects make to enhancing security and stability.

Politico-Military Activities

Support for Civil Society Organizations

An active, independent, and diverse civil society contributing to national advancement by complementing state policies and exercising public oversight is essential to a democratic system based on the rule of law. Conscious of this need, Uzbekistan initiated a reform process in 2010 under the slogan "from a strong state to a strong civil society" that was designed to boost civil society development by providing civil society organizations with financial support and legal guarantees that would enable them to fully play their role.

Working closely with the Independent Institute for Monitoring of the Formation of Civil Society (NIMFOGO/IIMFCS), the PCUz has worked to enable civil society, including the media and non-governmental organizations (NGOs), to exercise their function of oversight by enhancing their professional skills, legal literacy, and political culture.

The PCUz has organized training events and seminars throughout the country. These bring together representatives of civil society organizations from a range of backgrounds, using innovative approaches to transmit knowledge and skills. The events have enhanced participants' awareness of national legislation while enabling them to create and manage their own projects – from drafting to completion. The PCUz has also provided technical support, including distribution of OSCE publications on human rights, elections, gender issues, community policing, and human trafficking, and the provision of computers to the NIMFOGO Training Centre for NGOs and other civil society institutions.

The PCUz's support for civil society is envisioned as a cross-dimensional endeavour that involves civil society organizations in finding comprehensive solutions to specific issues. Organizations such as the Uzbek Farmers' Council, the Business Women's Association of Uzbekistan, the NGO *Istiqbolli Avlod* (Future Generation), which provides assistance to vic-

tims of human trafficking, and others have been enabled to contribute to the government's efforts and the reform process. This, in turn, improved their operational capacity and allowed them to showcase the essential role civil society can play in tackling various issues.

Biometric Passports

Unreliable travel documents have long been a risk factor for trans-boundary crime and a threat to the safety of international civil air navigation. In recent years, many countries have been moving towards the use of biometric passports, which carry an electronic chip containing the biometric data of the holder. These new documents offer greater protection against counterfeiting and allow for faster and more accurate identification at border crossings.

In 2009, Uzbekistan started its transition towards the use of biometric passports. In Uzbekistan, passports serve as both travel and identity documents. This meant issuing every adult citizen in a country of 30 million with a new passport, and doing so in a timely manner so as to ensure a smooth transition.

Having collaborated with the authorities on travel document security since 2003, and enjoying good co-operation with law enforcement agencies, the PCUz was in prime position to assist. It was able to facilitate consultations between all stakeholders as well as the exchange of international best practices.

The PCUz organized a workshop to acquaint decision-makers with the steps to set up the new system. It also facilitated a visit of experts from the International Civil Aviation Organization (ICAO) to make an initial assessment of the existing local infrastructure and sent delegations of Uzbek decision-makers and technical experts on study tours to observe best practices in the US and the UK. In 2011, the authorities decided to proceed with full-scale transition and established 215 points of collection for biometric data and passport application. The PCUz contributed in kind by supplying 32 sets of computers, printers, fax machines, and diesel generators for collection points located in remote areas. 250,000 biometric passports had been issued as of early 2014.

In addition, to ensure that Uzbekistan gets the most out of the system, the PCUz also encouraged it to participate in the Public Key Directory (PKD), an ICAO database that centralizes data on the validity of biometric passports issued by the participating states. Two study visits to the ICAO headquarters in Montreal and the offices of Netrust, a Singaporean company contracted to manage the PKD, were organized. As a result, in 2014 Uzbekistan became the 43rd state to participate in the PKD.

Combating Money Laundering and the Financing of Terrorism

According to international estimates, between 800 billion and two trillion US dollars' worth of criminal proceeds are laundered in the world every year. Money laundering is what lets criminals profit from their misdeeds. It represents a tremendous fiscal loss for states, and can facilitate the perpetration of acts of terrorism. Acknowledging the significant negative impact money laundering can have on states, the government of Uzbekistan outlawed money laundering and the financing of terrorism (ML/FT) in 2011, and has since gradually taken measures to tackle this threat.

ML/FT is transnational in nature, as launderers often exploit systemic vulnerabilities in an interconnected world to carry out their activities unnoticed. For this reason, international co-operation is essential to the fight against ML/FT, and the OSCE, which strives to encourage co-operation among its participating States, has a natural role to play in assisting Uzbekistan to achieve meaningful co-operation with the body at the forefront of these international efforts: the Financial Action Task Force (FATF).

An independent inter-governmental body created in 1989 with a mandate to fight money laundering, the FATF has developed the "40+9 Recommendations", which are considered global standards in the fight against ML/FT. In order to facilitate co-operation between the government of Uzbekistan and the FATF, the PCUz has supported the participation of several Uzbek delegations in FATF meetings. It has also hosted seminars to discuss the latest amendments in the FATF recommendations, and capacity-building events in which compliance officers from banks and representatives from Designated Non-financial Businesses and Professions (DNFBP) and non-banking financial institutions were informed of the latest amendments and their practical implications.

Over the years, National Risk Assessment (NRA) has become the standard method in the fight against ML/FT. This method consists in assessing the likelihood and potential impact of all risks of ML/FT in a given country, so as to best decide how to combat ML/FT in a manner that is both cost-effective and tailored to the country's specific needs.

The government of Uzbekistan has recently decided to conduct its own NRA, and the PCUz has provided expert advice to assist the authorities in drafting the necessary methodology. With the support of the PCUz, a roadmap was produced detailing the various stages of the NRA process, the expected input of all relevant stakeholders, and the country's capacity-building needs for effective implementation. In order to involve the private sector in the process, the PCUz also facilitated a dialogue – moderated by international experts – in which representatives from the Uzbek financial sector and relevant non-financial sectors had an opportunity to become acquainted with the

NRA and better understand their role in this process. Finally, the PCUz has supported the Uzbek Financial Intelligence Unit (FIU) in becoming a member of the Egmont Group of Financial Intelligence Units in July 2011. The latter was formed in 1995 in the Egmont Arenberg Palace in Brussels with the aim of stimulating international co-operation in the fight against ML/FT, and this informal network now counts 132 members.

Supporting the Economic Empowerment of Women

Men and women are equal under Uzbek law, and discrimination based on gender is strictly prohibited, yet there remain too few women entrepreneurs. This has been attributed to a lack of business education, cultural factors, self-censorship, and the fact that female employment tends to be concentrated in non-commercial sectors, such as education and healthcare.

Together with the Business Women's Association of Uzbekistan, which strives to increase women's participation in the private sector, and the Women's Committee of Uzbekistan, the PCUz has worked to foster the development of women's business, professional, and networking skills by hosting training seminars throughout the country.

During these events, women entrepreneurs and female college graduates were able to develop their professional and business skills. The events also served as a welcome reminder to the participants that they are not alone, and provided an opportunity for them to build or strengthen their professional networks by meeting other entrepreneurs and local officials. The PCUz also supported the initiatives of the Office of the Co-ordinator of OSCE Economic and Environmental Activities (OCEEA) to promote women's economic empowerment in Central Asia and to foster the development of regional professional networks.

In 2015, the PCUz will look to shift its focus onto assisting one of the most vulnerable demographic groups in the country, unemployed women living in rural areas, to develop their professional skills. Training seminars will be organized in each region of the country, where the attendees will receive instruction in skills for which local demand is highest as well as in starting their own local businesses.

Supporting the Ombudsperson Institution

Uzbekistan has committed itself to facilitating the emergence of "independent national institutions in the area of human rights and the rule of law".[3] Of these, the Ombudsperson Institution deserves special attention, as its role is to receive petitions from citizens, investigate human rights violations, and identify their pattern. This is essential to address existing practices and highlight gaps in legislation that might hamper the protection of human rights.

The Ombudsperson is the "Authorised Person of the Oliy Majlis (Parliament) of the Republic of Uzbekistan for Human Rights"[4] and exercises parliamentary oversight of state agencies and officials as well as private entities and individuals on these matters. The Ombudsperson also plays an essential part in the design and implementation of human rights legislation in the country and has the power to introduce proposals for improving legislation, to suggest the ratification of international human rights conventions, and to screen bills for their compliance with human rights principles.

To facilitate an enlightened national dialogue on the current and future roles of the Ombudsperson in the society and possible avenues for co-operation with other state agencies, the PCUz has organized national round-tables involving representatives from civil society organizations, state structures, and the media. It has also sponsored several study tours for decision makers from the Ombudsperson's office to gain first-hand knowledge of best practices from independent national human rights institutions in other countries within the OSCE area.

To enable the staff of the Ombudsperson's office to fully exercise the institution's mandate, the PCUz has organized capacity-building events for the Ombudsperson's regional representatives to better acquaint them with international norms and national legislation on issues relevant to human rights, such as the trafficking in human beings.

Transparency in and public awareness of the Ombudsperson's activities are regarded as essential for the Institution to fully exercise its function. The PCUz has therefore supported the publication of the Ombudsperson's yearly report in Uzbek, Russian, and English, so that citizens, officials, and international partners can become acquainted with the Institution's activities. The PCUz is also supporting the introduction of an online platform enabling citi-

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3   *Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE*, Copenhagen, 29 June 1990, p. 16, at: http://www.osce.org/de/odihr/elections/14304.

4   *Law of the Republic of Uzbekistan on the Authorised Person of the Oliy Majlis of the Republic of Uzbekistan for Human Rights (Ombudsman), (new version)*, Tashkent, 27 August 2004, No. 669-II, at:. http://www.theioi.org/downloads/34cni/Europe_Uzbekistan_Authorized%20Person%20for%20Human%20Rights_ombudsman%20Act_en.pdf.

zens to file complaints electronically. With appropriate expertise and technical support provided by the PCUz, the Ombudsperson Institution has improved its internal mechanism for handling complaints, enhanced the capacities of its staff to monitor the human rights situation, promoted understanding of its mission and competencies among state structures, and reinforced its interaction with civil society institutions, thereby strengthening its position as a national human rights institution.

Counteracting Trafficking in Human Beings

Trafficking in human beings (THB) is a form of modern slavery that robs people of their basic rights and freedoms and often goes hand in hand with torture and ill-treatment. In recent years, the PCUz has assisted the government and civil society of Uzbekistan in increasing their efforts to counteract human trafficking. The PCUz provided training to Uzbekistan's Inter-agency Anti-trafficking Commission, highlighting good practices and outlining the key challenges facing the OSCE region in order to promote a more systematic and sustainable effort to counteract human trafficking and improving coordination between the different stakeholders such as police, health and social services, and NGOs.

The projects also sought to build capacity to identify and assist victims of THB among groups most at risk. Specific training courses were designed for the diplomatic and consular personnel of the foreign ministry, frontline police officers in railway stations and airports, and workers in the hospitality sector.

Together with the Lawyers' Training Centre under the Ministry of Justice, the PCUz developed a training manual aimed at formalizing the counter-trafficking curriculum for in-service trainees. The manual is now available in Russian and Uzbek and is used by the training centre.

The office of the PCUz also worked with the National Federation of Trade Unions and women's rights NGOs on preventing human trafficking by empowering at-risk groups through education and developing business entrepreneurship skills. A pilot project was started in Tashkent Region on promoting small-scale businesses, ensuring sustainable income through stable government contracts to its beneficiaries, who are women from at-risk groups.

By virtue of its project activity, the PCUz has secured recognition for the OSCE by the host government as one of the key organizations in tackling human trafficking. Uzbekistan is eager to realize joint projects with the PCUz and actively participates in the OSCE's wide-ranging anti-trafficking initiatives. This co-operation goes beyond enhancing the investigation and prosecution of trafficking crimes. Efforts were also made to prioritize the protection of victims and the provision of assistance, including the right to effective legal remedy and compensation. The PCUz brought added value to efforts to

counter human trafficking at the national level by promoting co-operation with civil society, trade unions, and the private sector alongside the traditional criminal justice-based approach. The PCUz was the first organization on the ground to address the impact of new information technologies on human trafficking, including the online recruitment of victims and the new challenges the internet brings for law enforcement responses to human trafficking.

Conclusion

For 20 years, the PCUz and the government of Uzbekistan have been travelling companions. From the opening of the first OSCE field presence in Central Asia in Tashkent to the present, the authorities and the field operation have pursued consistent and constructive engagement on a broad variety of issues.

Over that time, the PCUz has built enduring relationships with national institutions, and this co-operation has borne fruit. In general, Uzbekistan is a contributor to the security and stability of Central Asia and the entire OSCE area. The activities of the PCUz are helping to build on this achievement. The field mission has strived to promote OSCE commitments by showing how they help to create security and build a prosperous society. The PCUz stands ready to continue to use its flexibility and efficiency in assisting the government to tackle the challenges of the future by transferring experience, lessons learned, and best practices from the other OSCE participating States.

Samuel Goda

The Current and Future Challenges for the OSCE Mission to Moldova

Introduction

For more than two decades, the OSCE Mission to Moldova has been involved in the activities dedicated to the settlement of the Transdniestrian conflict, while also contributing to other areas related to the security of Moldova in general. In the following contribution, we will focus on the challenges that the OSCE Mission to Moldova currently faces. In order to create a coherent picture, we will set the current situation in the context of previous developments in the country and the region, as well as the former activities of the OSCE Mission to Moldova. We consider this important as, especially in the context of Moldova, many issues and challenges that need to be addressed as current priorities have been on the table for a long time.

All of the areas in which the Mission is active are more or less interconnected. As a result, activities undertaken by the Mission in one area may well have consequences for other areas – something that is reflected in the OSCE's comprehensive approach to security. The reverse is also true: Developments relating to various aspects of Moldovan security directly or indirectly affect the work of the Mission. We will therefore focus not only on the issue of the Transdniestrian conflict, but will tackle a broader complex of topics that in our opinion are or could be related to the work of the OSCE Mission in Moldova.

The OSCE Mission and Civil Society

Efforts to restore Moldovan territorial integrity have been ongoing for over 20 years, and the breakaway region of Transdniestria is still out of Chişinău's control. The situation has complex causes and numerous consequences, which we will try to analyse below. Numerous experts from Chişinău-based think tanks, academia, and civil society have expressed what we could politely call "mixed feelings" about the role of the OSCE. Above all, they have criticized the Organization as ineffective, claiming that the OSCE has made no progress towards the settlement of the conflict.

According to the theory and practice of conflict resolution, local ownership of the resolution process is very important. The perception and participation of civil society actors in such processes is therefore crucial. This is one of the key challenges the OSCE faces: How can it ensure ongoing support for the OSCE Mission within Moldovan civil society and deal with increasingly

negative views of its work? At the same time, experts and commentators are all aware that the OSCE's mandate is limited to creating a framework for possible proposals to settle the conflict; the Organization has no mandate to force the parties to reach an accommodation. If the experts are aware of the limited mandate of the OSCE and still consider it to be ineffective, it means that the Mission needs to improve its external communication with local civil society regarding the issues of conflict settlement and the Mission's other activities. Though my own experience and that of other researchers dealing with Moldova confirms that the OSCE Mission to Moldova is widely considered to be unusually open towards the expert community, some information might not be well communicated. The Mission therefore needs to find a balance between silent diplomacy and public-relation activities. The OSCE Mission to Moldova uses modern communication tools, including social networks, in an excellent way, however, developing closer links and better cooperation with local think tanks representing local ownership could encourage a more positive attitude towards the Mission and thus enhance support for its strategies and efforts to settle the conflict. Moreover, local think tanks have initiated several interesting activities to promote conflict settlement via dialogue, confidence-building, and soft-power approaches – just as the OSCE has. Joining or at least aligning their forces could thus be beneficial for both parties – Moldovan civil society and the Mission.

Transdniestria: An Overview

The OSCE Mission to Moldova has a very specific mandate compared to those of field operations in other states. Its goals, as set out in the mandate that established it on 4 February 1993, are clearly political in nature: The main aim of the Mission is to "facilitate the achievement of a lasting, comprehensive political settlement of the conflict in all its aspects, based on the following understanding expressed by the parties to the conflict, and other interested parties, to the Personal Representative of the Chairman-in-Office:

- "Consolidation of the independence and sovereignty of the Republic of Moldova within its current borders and reinforcement of the territorial integrity of the State along with an understanding about a special status for the Trans-Dniester region;
- An agreement on the withdrawal of foreign troops;
- Effective observance of international obligations and commitments regarding human and minority rights;

-    Assistance in monitoring the implementation of agreements on a durable political settlement."[1]

Alongside the work undertaken to fulfil the key goal of securing a settlement of the Transdniestrian conflict, the OSCE Mission has been active in various other areas of security, and has developed several interesting projects and tools in fields that include supporting and enhancing human and minority rights and fundamental freedoms, confidence-building, arms control and disarmament, democratization, rule of law, freedom of the media, and combating trafficking on human beings.

One of the tasks of the OSCE as an international forum and a political force is to build bridges among actors, taking account of geopolitical realities. According to a number of OSCE experts and practitioners we spoke to in Chişinău, Cold War thinking has never completely disappeared from the OSCE's headquarters in Vienna's Hofburg. The current situation in Ukraine is a very good example of how delicate the OSCE has to be in performing its work. In our opinion, the crisis in Ukraine has the potential to spill over both banks of the Dniester, albeit in different ways. Most experts consider this to be a real short-term possibility, even if relatively unlikely.[2] If we agree that the roots of Ukrainian crisis lie in the combination of a divided society in the midst of a failed state-building process, with tremendous corruption, and ongoing economic decline, and Ukraine's position in the middle of geopolitical and geoeconomic competition between regional players that have extremely high levels of influence on the country and fuel the crisis by providing support in the form of arms, intelligence, logistics and material while also undertaking massive disinformation campaigns – the very same could be applicable to the right (western) bank of the Dniester.

In our opinion, this does not apply so clearly to the situation on the left (eastern) bank at present. Despite cuts in the economic support provided by Russia to both the authorities and to ordinary people and pensioners in Transdniestria, the overall situation remains favourable to Russia. In this regard, it is worth mentioning the protest that occurred at the end of February 2015 in Tiraspol, where some 300 people demonstrated against economic austerity; price increases in the health, education, and agriculture sectors; and the political elites represented by President Yevgeny Shevchuk.[3] As reported by local media organization *Jurnal*, "the separatist leader Yevgeny Shevchuk has cut the pensions for the residents from the left side of the Dniester. The so-called administration from Tiraspol also canceled at the beginning of the

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1   Conference on Security and Co-operation in Europe, 19th CSO Meeting, 4 February 1993, *CSCE Mission to the Republic of Moldova*, CSCS/19-CSO/Journal No. 3, Annex 3, 4 February 1993; at: www.osce.org/moldova/41137.
2   Interviews conducted by the author in Chişinău.
3   Cf. *Protest la Tiraspol împotriva politicilor de austeritate* [Protest in Tiraspol against austerity policies], Teleradio Moldova, at: http://www.trm.md/ro/regional/protest-la-tiraspol-impotriva-politicilor-de-austeritate.

year the gratuities in the public transport for pensioners, parents with many children and other categories of persons and this in the context in which Moscow refused to prolong a support of an amount of 100 million dollars for Transnistria. […] The residents from the left side of the Dniester confront with a difficult situation after Russia stopped this summer the payment of some pensions, and after the increasing, in the last period, of prices for food, utilities and drugs."[4] Nonetheless, as we can see, these protests were not directed at the Russian Federation, but targeted Transdniestrian political elites. The Transdniestrian position towards Russia is better represented by the step taken by the Supreme Soviet of Transdniestria. Represented by its chairman, Mikhail Burla, the Supreme Soviet addressed a petition to the chairman of the Russian State Duma, Sergey Naryshkin, concerning the possibility of Transdniestria becoming an integral part of the Russian Federation, following the example of Crimea, under new Russian legislation on the "integration" of new territories under specific conditions. However, there are several reasons why this law does not apply to Transdniestria – the Moldovan government cannot be definitively labelled as ineffective, the hypothetical referendum (on becoming part of Russia) would have to be held under Moldovan law, despite the fact that the breakaway republic has its own legislation; and finally, since Transdniestria is an unrecognized entity, there are no official Moldovan government authorities based in Transdniestria that could approach Russia with a petition to join the Federation.[5]

In 2006, a referendum was held in Transdniestria to gauge public opinion on the following questions: "Do you support the course towards the independence of Transnistria and the subsequent free association with the Russian Federation?" and "Do you consider it possible to renounce Transnistria's independent status and subsequently become part of the Republic of Moldova?" In the first case, 97.1 per cent voted in favour, while in the second 94.6 per cent voted against. Overall turnout was 78.6 per cent.[6] It comes as no surprise that the results were not recognized by the OSCE, the EU, or many other states. Nonetheless, the 2006 referendum, together with the petition made by the Supreme Soviet in 2014, sent a clear message to the OSCE and other engaged parties. Transdniestria is not interested in reintegration with Moldova, despite its participation in official talks in the "5+2" format, the last unofficial meeting of which took place in Vienna on 21 April 2015 – without, however, producing any significant results.

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4   *Protests in Tiraspol against Shevchuk's austerity policies*, Jurnal.md, at: http://cms4. jurnal.md/en/social/2015/3/2/protests-in-tiraspol-against-shevchuk-s-austerity-policies.

5   Cf. Svetlana Bocharova/Liliya Biryukova, *Pridnestrovye kak Krym* [Transdniestria as the Crimea], Vedomosti, 18 March 2014, at: http://www.vedomosti.ru/newspaper/articles/2014/03/18/pridnestrove-kak-krym.

6   Cf. *Transnistria (part of Moldova). Independence Referendum, 2006*, Electoral Geography, at: http://www.electoralgeography.com/en/countries/t/transnistria/2006-independence-referendum-transnistria.html.

As a consequence, the common ground on which Moldovan and Transdniestrian representatives could achieve conflict settlement within the OSCE framework is very narrow, if any exists at all. For the OSCE, finding a way to engage both sides to settle the conflict will be very complicated if Chişinău continues to talk about reintegration, and Tiraspol about independence or integration with Russia. And when we say that Tiraspol is not interested in making progress in mutual negotiations, we also have to mention serious concerns about whether Chişinău's intentions in this regard are themselves genuine. Almost 25 years after the conflict, the central government does not have any serious plans for reintegrating Transdniestria into a unitary state. The political economy of conflict certainly plays a crucial role on both sides. At the regional level, the situation in Ukraine and the position of the new Ukrainian government suggest a change of direction, exemplified by the new economic restrictions Ukraine has imposed on Transdniestria, the strengthening of the border between Ukraine and Transdniestria, and recent attempts to prohibit the Russian armed forces based in Transdniestria[7] from transiting through Ukrainian territory.[8] This could be perceived as hostile from the Russian and Transdniestrian point of view, making progress in the "5 plus 2" format even harder to achieve. At the broader international level, Russia's relations with the EU and the US are currently very tense, and communication is very limited. All in all, therefore, in our opinion, settlement of the Transdniestrian conflict cannot be expected in the short or medium term.

Gagauzia

Gagauzia (*Gagaúziya* or *Gagaúz Yeri* in Gagauz, officially known as the Autonomous Territorial Unit of Gagauzia) is a discontinuous region in southern Moldova with a population of 155,500 (approximately 4.6 per cent of the overall population of Moldova). Some experts believe that Moldova's national and territorial integrity faces a further major challenge from this region, which should be given far more attention than it currently receives. It is important to underline that we do not understand this issue in terms of what some have called "Gagauzian separatism" and similar terms. We consider it in a broad context of failed central government policies to involve Moldova's numerous minorities in an effective state- and nation-building process. The case of the Gagauz represents just the most prominent consequence of a deeper problem – inadequate and neglected efforts to integrate minorities.

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7   The former Russian 14th Army, now known as the *Operativnaya gruppa rossiyskikh voysk* (Operational Group of Russian Forces, OGRV or OGRF).

8   Cf. *Ukraina ofitsialno zapretit tranzit rossiiskikh voennykh v Pridnestrove* [Ukraine officially bans the transit of Russian troops in Transdniestria], point.md, at: http://point.md/ru/novosti/obschestvo/ukraina-oficialjno-zapretit-tranzit-rossijskih-voennih-v-pridnestrovje.

The Gagauz people, who are Turkic-speaking Orthodox Christians, are ethnically and culturally different from the rest of the country, and their origin is still subjected to historical disputes. It should also be noted that Gagauzia is not an ethnically homogenous region and has large populations of (Bessarabian) Bulgarians, Ukrainians, Roma and others. Indeed, the lingua franca of the region these days is overwhelmingly Russian rather than Gagauz, Bulgarian, or Romanian. Moreover, Russian is also the language of choice of the region's youth, and the fact that education is also mostly provided in Russian means that the younger generation might be closer to Moscow than to Chişinău. After the dissolution of the USSR, fear and uncertainty began to rise among the population of Gagauzia, who had historically maintained a warm relationship with Russia and considered themselves to belong to the sphere of Soviet (or Russian) rather than Romanian culture. Such fears were multiplied by the actions undertaken by The Popular Front of Moldova (PFM), an openly pro-Romanian and anti-Russian movement.[9] Like the Transdniestrians, the Gaugaz considered the possibility of Moldovan unification with Romania as an immediate threat and feared potential oppression. This is still a live issue, as some parts of Moldovan society would not be against unification with Romania, and some strongly support the idea. People from Gagauzia, and other Moldovans with "pro-Russian" views are convinced that the "pro-EU" vector of Moldovan foreign policy automatically means unification with Romania. Hence, these separate issues are often run together.[10]

On 19 August 1990, Gagauzia proclaimed itself independent from Chişinău,[11] while Tiraspol, following this example, declared its independence

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9   The Popular Front of Moldova has been characterized as follows: "The Popular Front of Moldova (PFM), a political force associated with dramatic changes in the society, focused on ethnic problems. It promoted attention to these specific problems without contributing to the consolidation of the society. The achievement of a political goal in that period was associated, as a rule, with the notion 'defeat your enemy'. Any hint of the need for dialogue or reasonable compromise was interpreted as treason and rejected from the start." United Nations Development Programme (UNDP), *Towards a Culture of Peace, National Human Development Report, Republic of Moldova 2000*, p. 29, at: hdr.undp.org/sites/default/files/moldova_2000_en.pdf.

10   "On 30th of August 1989 the Constitution of the Moldovan Socialist Soviet Republic was amended by article 70 that introduced Moldovan, written with a Latin alphabet, as the state language. Russian language was granted the status of *lingua franca* for interethnic communication and Gagauz language was to be protected. On the following day the *Law on the Use of Languages on the Territory of the Moldavian SSR* stated that Russian could be used across Moldova like Romanian." Tiago Ferreira Lopes, Post-soviet Unfrozen dilemmas: Profiling Gagauzia, in: *State Building and Fragility Monitor Newsletter* No. 7, March 2014, pp. X-XIV, here: p. XI, at: https://statebuildingmonitor.files.wordpress.com/2012/08/newsletter-7.pdf.

11   On 12 November 1989, delegates and local Gagauz assembled in Comrat to proclaim a "Gagauz Autonomous Soviet Socialist Republic within Moldova". The Moldovan Supreme Soviet immediately invalidated this proclamation. When Chişinău failed to provided much economic or cultural aid to the Gagauz populated regions in the early months of 1990, Gagauz delegates and officials assembled in Comrat once again and on 22 June 1990 declared the creation of the Gagauz ASSR within Moldova. On 19 August 1990, the Gagauz leadership proclaimed a "Gagauz Soviet Socialist Republic", which would be independent from Moldova, but part of the Soviet Union. Immediately, the Gagauz leader-

on 2 September 1990. According to the OSCE, as well as most Moldovan experts, the language issue served as trigger for conflict in both cases. In contrast to its actions in Transdniestria, the central government in Chişinău granted autonomy to Gagauzia in 1994 by passing the Law on the special legal status of Gagauzia,[12] which sought to prevent further bloodshed and the continued disintegration of the country. Though this law was successful in de-escalating the conflict, its vagueness meant that it failed to satisfy the desire for autonomy in the long-term. According to one commentator: "These controversies [author's note: about competencies] were, to a significant extent, 'programmed in' at the stage of drafting the autonomy statue. A minimalist approach to the content of drafted provisions, which obviously made negotiations easier at the time of drafting the document, resulted in a lack of any specifications in the document regarding what having authority in a given policy area means or how decision-making rights in that particular area are distributed between the central and autonomy governments. The choices made at the stage of drafting the law delayed the conflict and moved it to the post agreement phase."[13] The lack of specific details regarding relations between the central authorities and the autonomous administration, especially in terms of competencies and finances, once again created a space for mutual mistrust, suspicion, and blame.

Recently, two important events have taken place in the region: The first was a referendum, held on 2 February 2014, which provided voters with a choice between closer links to the European Union or to the Eurasian (CIS) Customs Union. The outcome was clear: "The chairwoman of Gagauzia's election commission, Valentina Lisnic, said on February 3 that 98.4 percent of voters chose closer relations with the CIS Customs Union. In a separate question, 97.2 percent were against closer EU integration. In addition, 98.9 percent of voters supported Gagauzia's right to declare independence should Moldova lose or surrender its own independence. Turnout was more than 70 percent in the February 2 vote."[14] The referendum in Gagauzia was almost immediately called into question, specifically its legal basis: "Last month [author's note: January 2014], Moldova's prosecutor-general launched an investigation into Gagauzia's plan to hold the referendum, saying the vote had

ship decided to hold elections for the Supreme Soviet of the self-proclaimed republic on 28 October 1990. In turn, on 26 October 1990, the Supreme Soviet of Moldova decreed a state of emergency in the southern part of Moldova. Cf. Priit Järve, Autonomy of Gagauzia: a Post-Soviet Experience, in: Zelim Skurbaty (ed.), *Beyond a One-Dimensional State: An Emerging Right to Autonomy?* Leiden 2005, pp. 429-456, here: p. 433.

12   Cf. *Law on special legal status of Gagauzia (Gagauz-Yeri)*, at: http://www.e-democracy. md/files/elections/gagauzia2006/special-legal-status-gagauzia-en.pdf.

13   Oleh Protsyk, Gagauz Autonomy in Moldova: The Real and the Virtual in Post-Soviet State Design, in: Marc Weller/Katherine Nobbs (eds), *Asymmetric Autonomy and the Settlement of Ethnic Conflicts*, Philadelphia, PA, 2010, pp. 231-251, p. 235, also available at: http://www.policy.hu/protsyk/Publications/ProtsykGagAutonomy09fx.pdf.

14   Radio Free Europe/Radio Liberty, *Gagauzia Voters Reject Closer EU Ties For Moldova*, 3 February 2014, at: http://www.rferl.org/content/moldova-gagauz-referendum-counting/ 25251251.html.

been rejected earlier by a court in Gagauzia as unconstitutional. Moldovan Prime Minister Iurie Leanca also told RFE/RL's Moldovan Service on February 3 that the referendum had no legal legitimacy."[15] Though the legal aspects are also very important, we wish to focus here on the political meaning of these events. Politically, the referendum result represents the almost unanimous disagreement of the population of Gagauzia with the foreign policy being pursued by Chişinău. In broader political terms, the dramatic referendum results can be considered a clear signal to Chişinău and the OSCE that they need to intensify their engagement to avoid similar events being repeated in the future and to involve Gagauzia more in decision-making processes and dialogue with the central authorities.

The second important recent event was the election of the Governor (*Bashkan*) of Gagauzia, which took place on 22 March 2015. Ten candidates registered to compete for the post. All the candidates stood as independents, yet the three that received the most votes were endorsed by political parties: Valerii Ianioglo, who received 7.98 per cent of votes, was endorsed by United Gagauzia; Nicolai Dudoglo with 19.06 per cent, was endorsed by the Democratic Party of Moldova and the *Ravnopravie* ("Equality") Movement; and the winner, Irina Vlah who polled 51.11 per cent, was endorsed by the Party of Socialists of the Republic of Moldova. Unfortunately, not all candidates have made their programmes available online. However, of those that are available, the overwhelming majority include pro-Russian and pro-Customs Union aims and statements.[16] The role of Russia in Irina Vlah's campaign was particularly strong, with, for instance, Russian celebrities participating in campaign events. More importantly, her election manifesto stated that the Russian Federation is a guarantor of Moldovan statehood as well as Gagauz autonomy.[17] This merely confirms that Chişinău urgently needs to engage more with Gagauzia if it wants to avoid losing it. Of course, it is also important to highlight that, once again, there appears to be a high probability of such efforts becoming entangled with the apparently never-ending quarrels among politicians in Chişinău, as well as in the region as a whole.[18]

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15 Ibid.
16 For information on many of the candidates and their policies, see: *Elections of the Governor (Bashkan) of Gagauzia (Gagauz Yeri) on March 22, 2015*, e-democracy.md, at: http://www.e-democracy.md/en/elections/bascan/2015.
17 Irina Vlah's election manifesto is available at: http://www.e-democracy.md/en/elections/bascan/2015/irina-vlah.
18 Cf. Veaceslav Berbeca, *Political Situation in Gagauzia: The Result of External Struggles or External Influence*, Moldovan Foreign Policy Statewatch, Issue 76, February 2014, at: http://viitorul.org/doc.php?l=en&id=4333&idc=358.

Conclusion

The OSCE Mission to Moldova faces several challenges – old and well known ones as well as new issues that have the potential to cause unpleasant surprises. As mentioned above, these challenges come from both the international and regional security environments and from the domestic political sphere; the OSCE stands somewhere in the middle of these processes. Probably the best elaborated field of OSCE engagement is conflict prevention. The current regional security situation in South-eastern Europe appears to present an unusual challenge to conflict-cycle theory: The conflict settlement process has come to a halt and conflict prevention is on the table again, and the OSCE needs to take this into account and proceed accordingly.

Focus on the Ukraine Crisis

Heidi Tagliavini

Mediation in the Crisis in Eastern Ukraine up to 23 June 2015

General Remarks

On 6 June 2014, the presidents of Ukraine, the Russian Federation, and France, and the German chancellor met on the margins of the commemoration of the Normandy landing of the allied forces during the Second World War. They proposed that a Trilateral Contact Group (TCG) be established to support the peace efforts in eastern Ukraine.

Two days later, the newly established TCG met for the first time. Ukraine was represented by the then Ambassador of Ukraine to Germany, Pavlo Klimkin; the Russian Federation by its Ambassador to Ukraine, Mikhail Zurabov; and the OSCE Chairmanship by me. When, soon thereafter, Ambassador Klimkin was appointed to be Ukraine's minister for foreign affairs, former President Leonid Kuchma became Ukraine's representative to the TCG.

The TCG is a working body effectively in permanent session, comprised of senior representatives of Ukraine, the Russian Federation, and the OSCE Chairperson-in-Office (CiO).

Its agenda covers practically all issues related to the conflict in eastern Ukraine. These include issues raised in documents such as President Poroshenko's Peace Plan of 20 June 2014 and President Putin's initiatives, the Minsk Protocol of 5 September 2014 and the Memorandum of 19 September 2014, the Package of Measures for the Implementation of the Minsk Agreements and the Minsk Declaration of the Four Heads of State and Government (the presidents of Ukraine, France, and the Russian Federation and the chancellor of Germany) of 12 February 2015, as well as any other developments directly or indirectly related to the conflict, as decided by the TCG.

All decisions, recommendations, agreements, press releases, etc. of the TCG are adopted by consensus.

The TCG commenced its work on 8 June 2014. Since 23 June 2014, it has also conducted numerous consultations with illegal armed groups from eastern Ukraine (rebels, officially called representatives of certain areas of the Donetsk and Luhansk regions – CADR/CALR). Very early on, on 23 and 27 June 2014, the TCG had direct meetings with representatives of CADR/CALR in the city of Donetsk, located in rebel-controlled territory. As the security situation worsened during July 2014, and a venue for subsequent direct meetings could not be identified in Ukraine, it was proposed that the TCG conduct their direct meetings with representatives of the rebels in Minsk, the capital of Belarus. This happened on several occasions, including

31 July 2014; 1, 5, and 19 September 2014; 24 December 2014; 31 January 2015; and 11-12 February 2015.

For practical purposes and to discuss operational issues, the TCG also arranged numerous video conferences with the rebels, with the assistance of the OSCE Special Monitoring Mission (SMM). These were convened by the TCG based on need and opportunity. Occasionally, there was more than one video conference per day.

Summary of the TCG's Activities Prior to the Minsk Arrangements

During the first phase of its existence, the TCG largely focused on developing a peace proposal, which served as a basis for President Poroshenko's Peace Plan. The model included the cessation of hostilities, control of the Ukrainian-Russian border, the release of hostages and other illegally detained persons, and the provision of humanitarian assistance to conflict areas. After the tragic downing of Malaysian Airlines Flight 17 (MH17) on 17 July 2014, the TCG served as a first-response crisis centre, working closely with the SMM to secure access for international experts to the crash site.

Ceasefire: The TCG has discussed the issue of cessation of hostilities on many occasions, calling for an unconditional and sustainable ceasefire. On 20 June 2014, President Poroshenko proposed suspending what the government called its "anti-terrorist operation" (ATO) as a unilateral gesture and declared a week-long ceasefire, which was later extended for an additional three days to 30 June 2014. Despite this, sporadic fighting continued throughout this period, resulting in further casualties on both sides, including the loss of a Ukrainian military aircraft with 49 people on board, and the loss of government control over territory including three border-crossing points. This prompted the Ukrainian president to resume the ATO.

After the crash of Flight MH17, the TCG's efforts focused on agreeing with the rebels on steps indispensable to securing access to the crash site and arranging a local ceasefire to guarantee the security of the foreign investigation teams.

Border control: After having lost control over a large stretch of the border, the Ukrainian side frequently raised the issue of control of the Ukrainian-Russian border, accusing the Russians of illegally smuggling (regular and irregular) troops and military supplies across the border to the rebels. Very early on, the Ukrainians expressed their concern that there could be no real stabilization of the situation in the conflict zone or beyond as long as the Ukrainian-Russian border was not secured. The Ukrainian authorities believed that the actions on the Ukrainian side of the border should be complemented by appropriate actions on the Russian side as well.

Hostages/detainees: In the early days of the TCG's existence, the Group worked closely with the SMM to achieve the release of eight OSCE monitors

who had held by the rebels for several weeks. Their release was secured following two direct meetings with the representatives of CADR/CALR (on 23 and 27 June 2014, as mentioned above). In addition, the TCG made numerous efforts to persuade all sides to undertake an exchange of illegally detained persons, with the possible involvement of the International Committee of the Red Cross (ICRC), which has experience in such operations. Although dozens of detainees were released earlier, the real breakthrough on this issue came with conclusion of the Minsk arrangements of September 2014.

Humanitarian assistance: While the need for further humanitarian assistance undoubtedly existed, particularly in the conflict zone in eastern Ukraine, the Russian decision of 8 August 2014 to send a humanitarian convoy to Ukraine, and Kyiv's mixed reaction to it, added yet another element to the agenda of the TCG and its consultations with the rebels. The tension around this issue, which could have had serious consequences, seems to have been partly defused due to activities of the TCG. More Russian humanitarian convoys followed, although the proper implementation of the agreed modalities for handling this issue continues to be outstanding.

Minsk Arrangements of September 2014

Against the background of a rapidly deteriorating security environment in August, the TCG intensified its efforts towards achieving a comprehensive ceasefire. These succeeded on 5 September 2014 with the signing of a Protocol by the members of the Trilateral Contact Group and representatives of CADR/CALR. The Protocol called for the immediate cessation of hostilities together with other measures such as the withdrawal of illegal armed formations and their military equipment from Ukrainian territory, monitoring of the ceasefire and of the Russian-Ukrainian frontier by the OSCE, the release of hostages and detainees, a law on amnesty, a national dialogue, decentralization, local elections, humanitarian assistance, and the economic rehabilitation of the zone of conflict.[1]

On 19 September, at another meeting in Minsk, the Protocol was supplemented by a Memorandum, whose aims included the consolidation of the ceasefire regime, the establishment of the line of contact between the sides, and the withdrawal of heavy weapons from this line, as well as the establishment of a 30-km security zone, free of heavy weapons and mines and subject to a no-fly regime. The Memorandum also called for the withdrawal of all

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1   Cf. *Protokol po itogam konsultatsy Trekhstoronnei kontaktnoi gruppy otnositelno covmestnikh shagov, napravlennykh na implementatsiyu Mirnovo plana Presidenta Ukrainy P. Poroshenko i initsiativ Presidenta Rossii V. Putina* [Protocol on the results of consultations of the Trilateral Contact Group with respect to joint steps aimed at the implementation of the Peace Plan of the President of Ukraine, P. Poroshenko, and the initiatives of the President of Russia, V. Putin], signed in Minsk on 5 September 2014, at: http://www. osce.org/home/123257.

foreign armed formations, mercenaries, and their military equipment from Ukrainian territory.[2]

These two documents did not stop the conflict, as we later learned, but in most of the area under the ceasefire, especially in the initial phase, they brought a certain respite from the violence, which had been threatening to escalate further. They also established a body of rules and targets that set benchmarks for future action.

A Summary of the TCG's Activities After the Conclusion of the September 2014 Minsk Arrangements

After the adoption of the Minsk Protocol and Memorandum, the TCG focused primarily on the implementation of their provisions.

In a bilateral arrangement between Ukraine and the Russian Federation, following the adoption of the Minsk Memorandum, a Joint Centre for Control and Co-ordination (JCCC) was set up in the hope of promoting de-escalation in the conflict zone. The JCCC consists of members of the Russian and the Ukrainian general staffs, the former (75-plus officers) having arrived in eastern Ukraine upon invitation of the Ukrainian authorities.

In the period between the adoption of the Minsk arrangements and the end of 2014, there were no major military operations in the conflict zone in eastern Ukraine. However, clashes and shelling with heavy weapons continued practically unabated, causing additional human casualties and material damage, and keeping tensions in the area high. The hostilities concentrated mainly in or around four strategic locations: Donetsk airport, Debaltseve (which lies on a strategically important crossroads), Shchastya (which has important bridges and a power station), and the Black Sea port of Mariupol. In some areas, the rebel forces made territorial gains. These advances have subsequently been regarded by the rebels as grounds for questioning the contact line between the opposing forces as defined in an annex to the Minsk Memorandum.

The Minsk arrangements had a tangibly positive effect on the question of the release of detainees. The process of release was considerably accelerated, and by the end of 2014, at least 2,500 detainees had been freed. Nevertheless, several hundred people reportedly still remained in captivity or illegal detention, while new hostages were also taken during this period.

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2   Cf. *Memorandum ob ispolnenii polozheny Protokola po itogam konsultatsy Trekhstoronnei kontaktnoi gruppy otnositelno covmestnikh shagov, napravlennykh na implementatsiyu Mirnovo plana Presidenta Ukrainy P. Poroshenko i initsiativ Presidenta Rossii V. Putina, Minsk, 19 Sentyabrya 2014 goda* [Memorandum with respect to the performance of the provisions of the Protocol on the results of consultations of the Trilateral Contact Group with respect to joint steps aimed at the implementation of the Peace Plan of the President of Ukraine, P. Poroshenko, and the initiatives of the President of Russia, V. Putin, Minsk, 19 September 2014], at: http://www.osce.org/home/123806.

On 16 September 2014, following the signing of the Minsk Protocol, the Ukrainian parliament adopted a law "On interim local self-government order in certain areas of the Donetsk and Luhansk regions" (known as the "law on a special status"), as envisaged by paragraphs three and nine of the Protocol. Among other things, this law called for early municipal elections to be held in CADR/CALR on 7 December 2014 under Ukrainian law. However, the rebel leaders eventually decided to hold "presidential and parliamentary elections" on 2 November 2014, in contravention of Ukrainian law and the letter and spirit of the Minsk Protocol, despite numerous appeals from the international community, including the OSCE, not to hold them. Furthermore, some rebel leaders made calls for a revision of the Minsk arrangements.

In view of these illegal acts by the self-proclaimed Donetsk and Luhansk "People's Republics" (DPR/LPR), the Ukrainian president announced the suspension of this law. At the same time, the Ukrainian authorities stated that they would be ready to consider a new law on the same subject if the future situation in the conflict zone and the behaviour of the DPR and the LPR warranted such a move.

As far as the security situation in the conflict zone was concerned, after a certain relaxation of tension in the period immediately following the Minsk arrangements, the OSCE SMM reported new military build-ups in the area later in 2014, particularly in the rebel-controlled territory, which contributed to a new escalation.

In this context, one of the positive developments of December 2014 was a temporary ceasefire (the so-called "day of silence"), announced by the president of Ukraine for 9 December 2014, which led to a significant lowering of the intensity of violence that lasted more or less up to the end of 2014. After some time, however, tension in the area started rising again, with a growing number of armed clashes, including the use of heavy weapons.

On 19 December 2014, the TCG resumed its consultations with the rebels after a break of a few weeks caused by the 2 November 2014 illegal "elections" in the rebel-controlled territory. These consultations, which took the form of a video conference, were followed by direct meetings in Minsk on 24 December 2014 and 31 January 2015 as well as additional virtual consultations between the TCG and the rebels.

Developments Since January 2015

In January and early February 2015, offensive operations in the conflict zone intensified again, resulting in, among other things, the seizure of the government-controlled Donetsk airport by the rebels, the shelling of the port of Mariupol, and rebel advances in the areas adjacent to the strategically important transport hub of Debaltseve.

At the same time, diplomatic contacts between Kyiv and Moscow continued at various levels. High-level international efforts to support a peaceful settlement of the conflict had also never stopped. These included numerous quadripartite phone calls between the leaders of Ukraine, the Russian Federation, Germany, and France as well as correspondence and direct meetings between foreign ministers and senior diplomats from these four countries (within the so-called Normandy Format). These efforts culminated in the Normandy Format summit meeting in Minsk on 11-12 February 2015, which was held in parallel with TCG consultations with the representatives of CADR/CALR. The Minsk discussions ended with the adoption of a Package of Measures for the Implementation of the Minsk Agreements (signed by the representatives of Ukraine, the Russian Federation, the OSCE CiO to the TCG, and CADR/CALR), followed by a Declaration[3] by the four leaders endorsing the Package of Measures.

In addition to the measures envisaged in the previous Minsk documents (the Protocol and the Memorandum of September 2014), including a comprehensive ceasefire, the withdrawal of heavy weapons from the line of contact, and their monitoring and verification by the OCSE, the 13-point Package of Measures established a firmer basis for political dialogue between the government and the rebels; it provides for local elections, an interim self-government, and constitutional reform. The Minsk Package also ties the implementation of the provisions to a timeline. Additional stipulations call for the resumption of socio-economic ties between the CADR/CALR and the rest of Ukraine, the reinstatement of full control of the Ukrainian-Russian frontier by the Ukrainian government, and the establishment of working groups on the implementation of relevant aspects of the Minsk agreements.[4]

In spite of the mutual reconfirmation of the ceasefire on 15 February 2015, the rebel forces continued their attacks on the government-controlled transportation hub of Debaltseve and the surrounding areas, seizing them after several days of heavy fighting that caused many human casualties and serious material damage. In the following weeks, the general situation in the conflict zone improved considerably, but the ceasefire regime remained fragile. The fighting around Debaltseve led to a certain delay in the implementation of other provisions of the Package of Measures, including those on the withdrawal of heavy weapons. By mid-March, both sides had announced the

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3   Cf. The Press and Information Office of the Federal Government, *Declaration by the President of the Russian Federation, the President of the Ukraine, the President of the French Republic and the Chancellor of the Federal Republic of Germany in support of the "Package of Measures for the Implementation of the Minsk Agreements" adopted on February 12, 2015 in Minsk*, 12 February 2015, at: http://www.bundesregierung.de/Content/EN/Pressemitteilungen/BPA/2015/2015-02-12-ukraine-erklaerung_en.html.

4   Cf. *Kompleks mer po vypolneniyu Minskikh soglasheny* [Package of Measures for the Implementation of the Minsk Agreements], signed in Minsk on 12 February 2015, at: http://www.osce.org/cio/140156. For English and German versions see: http://www.bpb.de/internationales/europa/ukraine/201881/dokumentation-das-minsker-abkommen-vom-12-februar-2015.

completion of the withdrawal process, but this could not be verified by the SMM, since the parties failed to provide the SMM with the requested information and frequently restricted the freedom of movement of the SMM monitors, particularly in areas outside the government's control.

On 17 March 2015, the Ukrainian parliament passed amendments to the law on a special status of CADR/CALR (adopted on 16 September 2014), linking its implementation to the prior holding of local elections under Ukrainian law and with international supervision. In their first reactions, the rebel leaders declared that this linkage and the lack of prior consultations with them on the matter was an impediment to the full implementation of the political provisions of the Minsk arrangements.

Since the adoption of the Minsk Package of Measures, there has been a significant increase in contacts, meetings, and exchanges within the TCG. The TCG's consultations with the rebels via video conferences also became more frequent.

As the OSCE CiO Special Representative, I remained in close contact with all sides in order to promote the full implementation of the Minsk agreements, including the elaboration of modalities for the access of people providing humanitarian assistance to the population in need in the conflict-affected areas. However, since the rebels remained reluctant to allow Ukrainian government agencies access to these areas to provide humanitarian assistance, assistance to the rebel-controlled territories during my tenure arrived mainly from the Russian Federation and international donors, as well as from some Ukrainian private sources.

Activities of the Trilateral Contact Group from April to June 2015

Throughout April 2015, the TCG continued to meet in the established trilateral format and at the same regular frequency in Kyiv. After the appointment of Ambassador Azamat Kulmukhametov as a new Russian representative to the TCG on 27 April (replacing the Russian Ambassador to Ukraine, Mikhail Zurabov) and the launch of the Working Groups on 6 May 2015, the frequency of TCG meetings, which were, with one exception, henceforth held exclusively in Minsk, decreased.

The TCG had held meetings on 1, 14, 15, 23, 24, and 29 April (in this last instance via video conference between Kyiv and Moscow), on 15 May 2015 in Kyiv, and on 6 and 22 May, and 16 and 23 June 2015 in Minsk. The TCG also conducted consultations with CADR/CALR representatives via video conference on 1, 14, and 29 April 2015, with the participation of representatives of the SMM and the heads of both the Ukrainian and Russian contingents to the JCCC. The TCG held also direct consultations with CADR/CALR in Minsk on 6 and 22 May, and 16 and 23 June 2015.

The agenda of these video conferences and meetings was largely dominated by discussions of the implementation process of paragraphs one to three of the 12 February Package of Measures, covering the ceasefire, withdrawal of heavy weapons, and verification by the OSCE SMM.

Another item on the agenda extensively discussed at the TCG meetings and with representatives of CADR/CALR concerned the implementation of paragraph 13 of the Package of Measures: "Intensify the work of the Trilateral Contact Group including through the establishment of working groups on the implementation of relevant aspects of the Minsk agreements. They will reflect the composition of the Trilateral Contact Group."[5]

My office elaborated and proposed an overall concept as well as operational modalities for the establishment and activities of four Working Groups (WGs). After due consultations and discussions within the TCG and with the CADR/CALR, and their endorsement by the Normandy Format, these proposals served as a procedural basis for the activities of the four WGs: the WG on security, the WG on political issues, the WG on refugees/internally displaced persons (IDPs) and humanitarian assistance, and the WG on economic issues. On 28 April 2015, the OSCE CiO appointed Ambassadors Pierre Morel, Ertuğrul Apakan (the SMM Chief Monitor), Dr Thomas Mirow, and myself (ad interim; followed by Ambassador Toni Frisch in May 2015) to co-ordinate the activities of the WGs on political, security, economic, and humanitarian affairs, respectively.[6]

Nevertheless a number of important questions remained open at the end of my tenure as Special Representative, and they may have a significant impact on the work of the WGs, including the possible involvement and roles of specialized international organizations in their activities. In addition, the Ukrainian side in the TCG believes that a fifth WG should be set up to discuss issues related to the re-establishment of control of the entire state border between Ukraine and the Russian Federation.

Since the four WGs generally met on the same days, the TCG tried to schedule its meetings in Minsk immediately after the conclusion of WG sessions. This allowed the TCG to hear presentations by the Co-ordinators on the outcomes of WG discussions.

As per established procedure, the meetings of the TCG in Minsk were followed by consultations with representatives of CADR/CALR. However, on 2 June 2015, as a consequence of the ongoing controversy over the format and the status of participation of representatives of CADR/CALR, the latter decided to leave the consultations and were followed in this move by the representative of the Russian Federation.

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5   Package of Measures, cited above (Note 4).
6   Cf. Organization for Security and Co-operation in Europe, *OSCE Troika urges advancement in political process aimed at solving crisis in Ukraine*, Belgrade, 28 April 2015, at: http://www.osce.org/cio/154046.

This controversy was accompanied by an increasingly more outspoken preference, expressed by the Russian Federation and the representatives of CADR/CALR, for the latter to be present and participate in all meetings of the TCG, thereby effectively enlarging the TCG format. Since this constituted a departure both from the decision of the Normandy Format to form the TCG with representatives of Ukraine, the Russian Federation, and the OSCE Chairperson-in-Office and from the already well-established practice, such a transformation remained unacceptable to the Ukrainian side.

The following two TCG meetings, on 16 and 23 June 2015, took place in the trilateral format as before, although the Russian Representative to the TCG repeated his preference for the attendance of the representatives of CADR/CALR in all TCG deliberations.

Activities of the Working Groups

The main objective of the WGs is to discuss, elaborate, and make concrete recommendations aimed at the implementation of the Minsk arrangements, agreed by consensus amongst all participants of the relevant group. These recommendations are then to be submitted to the TCG for its consideration and decision.

However, the general security situation in eastern Ukraine remained unstable, and the so-called "military part" of the Minsk Package of Measures of 12 February 2015, relating to the ceasefire, withdrawal of heavy weapons, and verification by the OSCE, has still not been implemented, even though some progress has been achieved.[7] Initially, most ceasefire violations occurred in a few hotspots along the line of contact. From early May 2015, however, the intensity and geographical spread of the ceasefire breaches gradually increased. Occasionally, these outbreaks of fighting were accompanied by the redeployment of heavy weapons that had previously been withdrawn.[8]

Under these circumstances, the WG on security focused its discussions largely on the elaboration of two de-escalation plans and on the freedom of movement and unrestricted access to all locations of the SMM monitors in the zone of conflict. The first de-escalation plan concerned the demilitarization of the village of Shyrokyne, where the ceasefire violations had been particularly frequent and serious. The second plan proposed a withdrawal of tanks, mortars, and artillery with a calibre below 100 mm from the line of contact. Initial drafts of both proposals had been worked out within the JCCC in close collaboration with the SMM, and continued to be discussed in the

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7   See the daily and weekly reports published by the SMM, at: http://www.osce.org/ukraine-smm/daily-updates.

8   Cf., for instance, OSCE Special Monitoring Mission to Ukraine, *Spot report by the OSCE Special Monitoring Mission to Ukraine (SMM), 3 June 2015: Fighting around Marinka*, Kyiv, 4 June 2015, at: http://www.osce.org/ukraine-smm/162116.

WG on security during this period. No final decision on either of the two plans had been reached by the end of June 2015, when my tenure as Special Representative came to an end.

The law on a special status for CADR/CALR and modalities for the organization of local elections in these areas, which are to be discussed with representatives from those areas in accordance with paragraph four of the Package of Measures, constituted key points on the agenda of the WG on political issues. This WG also discussed the general conditions under which such elections could take place, such as a permissive security environment.

During my tenure, however, this WG failed to reach consensus on inviting a representative of ODIHR to give a briefing on the conduct of local elections.

The release of detainees and hostages and the provision of humanitarian assistance to the needy in the zone of conflict were discussed by the WG on humanitarian issues (in accordance with paragraphs five and six of the Package of Measures). The issues of improving humanitarian access and the coordination of activities among different actors, including international organizations, were also discussed at the group's sessions.

The Co-ordinator of this group invited the Head of the ICRC Delegation in Ukraine to give an informal briefing to the group's participants on the ICRC's mandate and activities in Ukraine. The briefing took place on 23 June 2015, prior to the official session of the group. All members of the group attended the briefing.

The WG on economic issues discussed the modalities of the restoration of Ukraine's socio-economic ties with the areas affected by the conflict (according to paragraph eight of the Minsk Package), focusing primarily on three key areas: the re-establishment of some banking services, facilitating, among other things, the payment of pensions; the restoration of infrastructure (including water supply systems); and the resolution of conflict-related problems faced by enterprises operating in the area. To provide input to the group's deliberations on the restoration of banking services, an expert team deployed by France and Germany identified various options on how the payment of pensions could be facilitated.

Overall, the first five rounds of Working Group meetings were held in a constructive atmosphere and a number of ideas and proposals were raised, discussed, and tentatively agreed upon in the course of their sessions.

The Co-ordinators encouraged the participants in the Working Groups not to limit their discussions to formal sessions, but also to continue exchanges between sessions by circulating relevant information, ideas, and proposals. Since the formal launch of the Working Groups, this exchange has gradually intensified.

From the outset, the representatives of CADR/CALR and the Russian Federation had expressed a strong preference to see the WG sessions organized in a way that was "as synchronized as possible" rather than following

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independent schedules. In most cases, these rounds of meetings were then followed immediately by a meeting of the TCG in Minsk (with the exception of 2 June 2015). Some groups occasionally met separately, as was the case with the WG on economic issues, which met independently on 14 June 2015. During that period, Minsk, the capital of Belarus, had become a de facto venue for all meetings of the Working Groups. No consensus could be found on proposals to convene some WG sessions on security in other locations, e.g., in eastern Ukraine.

Other Activities of the CiO Special Representative

In addition to my activities related to the meetings of the TCG, as the CiO Special Representative I had regular exchanges with the Ukrainian authorities, the diplomatic community, and relevant international organizations. Furthermore, during my tenure, I was invited to brief the OSCE Permanent Council, the UN Security Council, and other important panels on several occasions in order to inform the international community of my activities in the framework of the TCG. I also participated in most meetings of vice ministers of foreign affairs and political directors within the Normandy Format, which preceded the meetings of foreign ministers on the same day.

The Serbian OSCE Chairperson-in-Office appointed Ambassador Martin Sajdik of Austria to succeed me in the role of OSCE CiO Special Representative to the TCG on 22 June 2015.

To sum up, the TCG has become a key instrument for day-to-day conflict management in eastern Ukraine. As the crisis has evolved, the TCG has rapidly adapted to the new circumstances, dealing constantly with new challenges. Yet despite all the efforts of the TCG and other actors, such as the OSCE Special Monitoring Mission, an escalation of the conflict could not be avoided. According to the estimates of the United Nations, at least 6,500 people had lost their lives by mid-2015, an estimated two million have fled the conflict-affected areas, and there has been widespread destruction of homes and infrastructure, leaving the civilian population, in particular, in an increasingly precarious situation. Nevertheless, throughout 2014 and the first half of 2015, the TCG kept up an uninterrupted dialogue among its members, while also holding consultations with representatives of certain areas of the Donetsk and the Luhansk regions, trying to find and often succeeding in finding solutions to a wide array of issues. During its first 18 months, the TCG has developed into a useful and efficient instrument for conflict management and related tasks.

Claus Neukirch

The Special Monitoring Mission to Ukraine in Its Second Year: Ongoing OSCE Conflict Management in Ukraine

Introduction

The Organization for Security and Co-operation in Europe (OSCE) is a soft security organization with almost 25 years' experience in deploying and running field operations mandated to contribute to preventing, managing, and resolving conflicts and helping the affected societies to rebuild themselves in the aftermath of conflict. While OSCE field operations are usually deployed in the conflict prevention or post-conflict phase, the crisis in Ukraine was not the first time that the OSCE had to mount a field operation during the height of a crisis – the Assistance Group to Chechnya deployed in April 1995, the Kosovo Verification Mission launched in October 1998 based on UN Security Council Resolution 1199, and the expansion of the OSCE Mission to Georgia by 20 additional military observers ten years later are other examples.

However, the scope of the crisis management and the magnitude of the challenges the OSCE is facing in Ukraine are without precedent. This contribution looks into the work of the Special Monitoring Mission to Ukraine (SMM) following the signature of the Minsk Agreements in September 2015, and considers the wider implications for the OSCE.[1]

The Minsk Agreements – New Tasks for the SMM

Meeting in Minsk on 5 September 2014, the Trilateral Contact Group (TCG), which at the time consisted of former Ukrainian President Leonid Kuchma; the Ambassador of the Russian Federation to Ukraine, Mikhail Zurabov; and the Special Representative of the Swiss OSCE Chairperson-in-Office, Ambassador Heidi Tagliavini, agreed on a protocol to facilitate a ceasefire and the launch of a political process to resolve the crisis. The Minsk Protocol was complemented on 19 September by a memorandum providing further guid-

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Note: The views expressed in this article are solely those of the author and do not necessarily reflect the official position of the OSCE. This contribution covers developments until 31 August 2015. It does not cover the work of the Trilateral Contact Group, which is the subject of Heidi Tagliavini's contribution in this volume, pp. 217-227.

1   For an account of the deployment of the SMM and its six months of operation, see Claus Neukirch, The Special Monitoring Mission to Ukraine: Operational Challenges and New Horizons, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2014*, Baden-Baden 2015, pp. 183-197.

ance on some of the steps agreed in the Protocol. Both documents assigned the OSCE a role in monitoring the ceasefire regime, verifying the withdrawal of artillery systems with calibres over 100 mm from the exclusion zones, and monitoring the Ukraine-Russia state border and the withdrawal of all foreign armed formations, military hardware, militants, and mercenaries from the territory of Ukraine.

The SMM's key role in monitoring and verifying the ceasefire and the withdrawal of heavy weapons was further emphasized in the "Package of Measures for the Implementation of the Minsk Agreements", which was adopted on 12 February 2015 following an entire night of negotiations in the "Normandy Format" between Russian President Vladimir Putin, Ukrainian President Petro Poroshenko, French President Francoise Hollande, and German Chancellor Angela Merkel.

With the establishment of four TCG working groups on political, security, humanitarian, and economic issues in May 2015, the SMM was further called upon to chair the security working group.

Thus, since September 2014, the SMM's primary task has been to act as an international monitoring and verification body for the ceasefire agreement, while also facilitating subsequent ceasefire-related agreements, such as local ceasefires or the extension of categories of weapons to be withdrawn from the front line. While the onus of making the agreements work has remained fully on the sides, the contribution of the OSCE and the SMM through their work of monitoring, verification, and dialogue facilitation has been crucial

These new tasks required the SMM to reconfigure its staffing, footprint, and capabilities in order to meet the changing operational dynamic. By the end of August 2015, the SMM had grown to 542 Monitors, with 405 of them deployed in Donetsk and Luhansk oblasts, with a further build-up towards 600 monitors ongoing. In accordance with its reworked mandate, the SMM has the option of expanding further up to a ceiling of 1,000 monitors, should the situation so require.[2] In line with the 12 February Implementation Package, which authorizes the SMM to use all technological means, the Mission is also breaking new ground in the employment of surveillance technology and other technical equipment. By the end of August 2015, the SMM had gained almost a full year's experience in operating unmanned and unarmed aerial vehicles (UAVs) in a hostile environment, and had been working with satellite imagery for six months. The Mission has also purchased advanced night vision equipment and is preparing the deployment of static cameras to improve its capability to monitor local ceasefires in high risk areas. The SMM operates a fleet of 148 armoured cars, its own high-frequency radio network, and operates medical infrastructure that includes 14 paramedics and eight armoured ambulances. Further planning is underway on integrating add-

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2   Cf. Organization for Security and Co-operation in Europe, Permanent Council, *Decision No. 1162, Extension of the Mandate of the OSCE Special Monitoring Mission to Ukraine*, PC.DEC/1162, 12 March 2015.

itional sensors, possibly including more UAVs; adjusting the management structure at both headquarters and field level; establishing an information management cell to better integrate information received from ground patrols, UAVs, satellites, and other sensors and sources; and further improving security regulations and structures.

Verification of the Withdrawal of Heavy Weapons

The Minsk Memorandum foresees the withdrawal of artillery systems over 100 mm from the line of contact, defining clear zones of exclusion for specific weapon systems. The 12 February 2015 Implementation Package confirms this requirement, extending it to "heavy weapons" and modifying the respective exclusion zones for artillery systems. The Package also tasks the OSCE with ensuring effective monitoring and verification of the ceasefire regime and the withdrawal of heavy weapons, using all technical equipment necessary, including satellites, drones, and radar equipment.

To enable the OSCE to fulfil this task, the Chief Monitor requested that both sides provide guarantees of the freedom of movement, safety, and security of SMM monitors as well as relevant data, such as detailed information about the military hardware subject to withdrawal, withdrawal routes, and assembly areas outside the exclusion zones. While the SMM has never received the requested baseline information, it has been given access to a number of holding areas for heavy weapons outside the exclusion zones and has been able to revisit them. In addition, the SMM has been patrolling the conflict zone with ground patrols and has used UAVs and satellite-based information to detect heavy weapons inside the zones. SMM staff have been provided with targeted training and materials to support weapons identification and verification.

Nonetheless, the Mission does face a number of limitations, most of which are outside its control. The first and most crucial concerns the abovementioned lack of baseline information, which makes it impossible for the Mission to put its observations into context. Second, despite ongoing training activities, inherent limitations remain with regard to the expertise within the SMM. In accordance with its mandate, SMM monitors are civilians from a range of professional backgrounds. Although many are former military officers, the Mission does not have units of specialist arms control inspectors to undertake verification tasks. Third, the SMM has to cover an area approximately 100 km deep along the 420 km long line of contact – a total area roughly the size of Switzerland. At the same time, its movement within this area is restricted. The danger stemming from mines, unexploded ordnance (UXO), and other explosive remnants of war (ERW) prevents the SMM from undertaking night patrols and places unpaved roads and fields off limits for SMM patrols. In addition, both sides have at times restricted the movement

of SMM patrols and have denied the Mission access to holding areas for heavy weapons. While the use of UAVs and satellites can address the issue of access to some extent, it is important to acknowledge that the SMM is currently operating only one UAV system, while daily satellite analysis provided by the EU, Germany, and France since spring 2014 covers only three areas amounting to a total of some 120 square kilometres – a tiny fraction of the total area the SMM is mandated to monitor. Moreover, jamming and adverse weather conditions have frequently limited the use of UAVs.

These limitations notwithstanding, the SMM has been hugely successful in its verification activities. In its publicly accessible daily reports,[3] the SMM has regularly reported on the presence and use of heavy weapons within the exclusion zones as well as on discrepancies with regard to the weapons recorded in the holding areas outside the exclusion zones, making it clear that neither side has fully met its obligations under the Minsk Agreements in this respect. At the same time, the Mission has been careful not to disclose any sensitive information, such as the number and type of weapons held in the assembly areas or the location of these storage sites. While improved compliance by both sides might make the verification work of the SMM more challenging, it would be welcome in itself and would potentially open the way to extending the current third-party verification mechanism to create a confidence- and security-building mechanism

Alongside the SMM, another key actor with regard to the withdrawal of heavy weapons is the Joint Centre for Control and Co-ordination (JCCC). The JCCC was established in late September 2014 as a bilateral initiative between the Ukrainian and Russian general staffs, and also includes representatives of the self-proclaimed People's Republics of Donetsk and Lugansk (DPR, LPR). The JCCC was the main format within which the sides negotiated the practical terms and timelines for the withdrawal of heavy weapons following the Minsk Agreements. However, it plays no role in the implementation and verification of the withdrawal regime itself. The reasons for the non-involvement of the JCCC and the involvement of the SMM and its strict confidentiality are obvious: As military exchanges continue despite the ceasefire agreements reached in Minsk in September and February, any information on the location and the number and types of heavy weapons is regarded by both sides as intelligence the other side could use for military purposes. Therefore, neither side is prepared to authorize a mechanism that would allow the other to acquire such sensitive information.

While a verification regime that would not only involve the OSCE as a third party, but would also include the sides – as any arms control mechanism intended to increase transparency and build confidence would have to – is not implementable under the current conditions, a verification mechanism of this kind should remain the ultimate goal. Whether such a mechanism would,

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3   Cf. OSCE Special Monitoring Mission to Ukraine, *Daily and spot reports from the Special Monitoring Mission to Ukraine*, at: http://www.osce.org/ukraine-smm/daily-updates.

however, involve the JCCC or would be structured in a different way is another question.

Ceasefire Monitoring

Another key task for the SMM with regard to the implementation of the Minsk Agreements is monitoring the ceasefire regime, understood as monitoring the non-use of weapons by the sides. Similar to the verification of heavy weapons withdrawal, both the JCCC and the SMM fulfil a monitoring role in this respect. The SMM operates independently of the JCCC, but keeps in daily contact with it and collects information on ceasefire violations from this body. Unlike the JCCC, which records ceasefire violations as reported by both sides in separate logs kept by the Russian and Ukrainian officers, but does not verify them, the SMM includes in its daily reports only ceasefire violations it has directly and verifiable observed itself. The only things that qualify as direct observations are reports from its monitors who have heard or visually observed the firing of weapons or the results of shelling such as craters or destroyed infrastructure and images from the UAVs operated by the OSCE. SMM monitors have become adept at determining the calibre, direction, and approximate distance of shelling from the sound. In many cases, they have also performed crater analysis to determine the direction from which shelling has occurred and the type of weapon used. All this information is reflected in the publicly available SMM reports, which, thanks to the OSCE's acknowledged impartiality, have become the most important and best trusted source of information on ceasefire violations. While the SMM reports function as an effective seismograph on the actual intensity of the conflict, one has to recognize that they do not provide a full account of ceasefire violations.

For security reasons, SMM patrols are still prevented from patrolling or manning static observation points during hours of darkness. The SMM has also refused requests by both sides to establish a permanent presence in hotspots that are under regular shelling, such as Horlivka or Shyrokyne. Ground patrols continue to be restricted in their patrolling pattern by the danger of mines, UXOs, and other ERW, and continue to face restrictions to their freedom of movement imposed by both sides – as reported by the SMM in a separate section of its daily reports. On various occasions, SMM patrols have been stopped at gunpoint or by warning shots fired in the air by armed personnel. Such incidents have occurred on both sides of the line of contact. In parallel to an upsurge in fighting in mid-August 2015, the SMM also experienced a remarkable series of incidents in which its monitors were verbally assaulted and threatened by civilians. Lacking any force protection of its own and thus being fully dependent on the security provided by the sides, the SMM was forced to abort patrols when faced with such threats. Following

some particularly serious incidents, the SMM has at times had to suspend its entire operation in certain areas. These incidents included a case where an SMM patrol came under direct mortar, machine gun, and howitzer fire when attempting to cross a bridge to Ukrainian controlled territory at Shchastya (Luhansk oblast) on 26 July 2015, and one where four SMM cars were destroyed and three more damaged in an arson attack at the SMM's car park in Donetsk on 9 August 2015. On previous occasions, the question of intent was unclear. This included the two most serious incidents involving SMM personnel so far: one where an SMM armoured vehicle was completely destroyed in crossfire, and the incident on 27 July in Shyrokyne in which an SMM monitor was slightly injured by debris produced by a projectile from an automatic grenade launcher. However, the arson attack on the SMM car park clearly targeted the SMM deliberately, particularly when seen against the background of an obviously staged demonstration against the SMM in Donetsk two weeks earlier on 23 July, and a series of incidents in July and August in which SMM patrols were harassed by organized groups of civilians who accused them of bias. These incidents were a strong reminder of the SMM's vulnerability and the fragility of the OSCE's engagement in the conflict zone. Because of its dependence on the security provided by the sides, the SMM is increasingly struggling to carry out as many patrols as it would like. It is also hard for the SMM to be truly objective and unbiased in its reporting when it is receiving mounting threats and attempts to manipulate or limit its monitoring efforts. The 2015 OSCE Chairperson-in-Office, Serbian Foreign Minister Ivica Dačić, has condemned these incidents and underlined that security and freedom of movement is crucial for the SMM to fulfil its mandate, reminding the sides of their duty to respect the ceasefire agreement and to protect the SMM.[4]

In the light of these various restrictions on SMM ground patrols, the SMM UAVs represent a critical asset for the conduct of ceasefire monitoring activities at night or in areas inaccessible to monitors. In addition, the UAVs have also been deployed to provide coverage for ground patrols entering especially dangerous areas. This was done in particular in Shyrokyne in spring 2015.

However, the UAVs are not a panacea. At the time of writing, the SMM operates only one UAV system, consisting of four UAVs with a maximum endurance of six hours and a range of 150 km. While this enables the SMM, from its current launch site close to Mariupol, to cover the entire line of contact up to Donetsk airport, it still leaves most of Luhansk oblast out of reach. Moreover, this technology is limited by adverse weather conditions such as strong winds or ice – both of which severely limited UAV operations between October 2014 and March 2015. In addition, overcast conditions render

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4   Cf. Organization for Security and Co-operation in Europe, *Escalating violence in eastern Ukraine is against the spirit of the Minsk Agreements, says OSCE Chairperson-in-Office Dačić*, Press Release, Belgrade 11 August 2015, at: http://www.osce.org/cio/176636.

the daylight camera of the UAV largely useless. While the SMM could in theory fit the UAVs with a synthetic aperture radar (SAR), which can also produce images through clouds, the mission currently lacks the capacity to process and properly interpret SAR images.

Alongside these inherent limitations, the UAVs face also direct threats. The SMM has experienced heavy jamming of both the video signal link and the GPS system of its UAVs on both sides of the line of contact. SMM UAVs have also been shot at east and west of the line. Due to such interference, the OSCE has so far lost three UAVs, including their payloads, leading to further interruptions of OSCE UAV operations.

Given the current limitations on SMM ground and aerial patrols, the SMM cannot and will not be able to detect each and every ceasefire violation. In fact, the Mission is not necessarily in a position to monitor, independently verify, and report on especially significant or grave ceasefire violations, as these often happen during the night or at other times when the SMM cannot patrol for security reasons, or in areas it is not allowed to access. For instance, the SMM did not have access to Debaltseve during the intense fighting there in mid-February 2015 or to Marinka during the "DPR" attack there on 2/3 June 2015. At the same time, the SMM has been able to provide a good account of the intensive and continuing shelling around Donetsk Airport and the heavy fighting over the village of Shyrokyne to the east of Mariupol between February and July 2015, publishing valuable reports on both. In both cases, the SMM was able to use static observation posts close to the respective areas and in some instances was also able to patrol in or close to these hotspots under appropriate security guarantees. The Mission was also able to provide first hand reports on other incidents such as the shelling of Luhansk City with cluster ammunition on 27 January 2015 and the intensive shelling of the eastern outskirts of Mariupol on 24 January 2015 with multiple launch rocket systems (MLRS), which left at least 20 people dead and 75 injured.

The ability of the SMM to provide regular reports on such incidents and hotspots helped to fuel international efforts to stop the fighting. This is especially true of Shyrokyne, which has caught the particular attention of the Normandy Format, and has been also one focus of the SMM's attempts to facilitate a local ceasefire.

Mediation and Dialogue Facilitation

Permanent Council Decision No. 1117 tasked the SMM not only with gathering information and reporting on the security situation, but also with actively facilitating dialogue on the ground to reduce tensions and promote the normalization of the situation. The SMM's explicit role in respect to the ceasefire regime was laid down in the Minsk Agreements, while the later decision

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to entrust the Chief Monitor with the role of facilitator for the TCG working group on security further expanded the SMM's mandate with regard to dialogue facilitation.

Within the TCG working group on security, the SMM concentrated its efforts on reaching agreement on the demilitarization of Shyrokyne (see further below) and on the withdrawal of tanks and mortars and artillery with calibres below 100 mm. These efforts were based on the observation, especially following the February 2015 Implementation Package, that tanks and mortars with calibres of 82 mm and below rather than heavy artillery and MLRS were being used by both sides in their continued exchanges of fire. Negotiations on such an agreement came very close to being finalized on 3 August and even closer on 27 August. However, as not all details could be sorted out, further talks had to be held.

Based on its mandate, the SMM also repeatedly tried to facilitate local ceasefires between the sides, and to stop the fighting in particular hotspots or for humanitarian reasons. For instance, in late 2014, the SMM developed proposals for a local ceasefire around Donetsk Airport and managed to facilitate several shorter ceasefires around that hotspot. Another focus was on Shyrokyne, a village 20 km east of Mariupol, which became a hotspot in February 2015. Following a call by the deputy foreign ministers/political directors of the Normandy Format on 25 March for rapid de-escalation of the fighting in Shyrokyne, the SMM was able to facilitate a local ceasefire and establish a 24/7 observation post in the village. However, the ceasefire collapsed after two days, and the SMM had to withdraw once more. In the following weeks, with the support of the Normandy Group at the highest political level, the SMM continued its efforts to facilitate a durable local ceasefire and the demilitarization of the village.

While the area around Donetsk Airport (which has been totally destroyed) has remained one of the main conflict hotspots, fighting in Shyrokyne largely ceased following the unilateral withdrawal of the "DPR" from the village on 2 July. However, after weeks of fighting, the village is utterly devastated and heavily contaminated with unexploded and abandoned explosive ordnance (UXO/AXO), mines, booby traps, and other explosive hazards. All civilians have left the village, with no immediate prospect for return.

The case of Shyrokyne highlights the complexity of mediating ceasefires. While the SMM based its efforts mainly on humanitarian and political considerations, attempting to safeguard civilians who were initially still living in the village and to stabilize the overall fragile ceasefire regime, the fighting parties took a different view. The Ukrainian side, in particular, was not ready to agree to the demilitarization of Shyrokyne, as it was afraid that "DPR" forces would make use of a Ukrainian withdrawal to occupy the abandoned positions. Given that the Ukrainian push towards Shyrokyne back in February was aimed at preventing the shelling of Mariupol with MLRS and heavy artillery from those positions, this prospect was not acceptable to

Ukrainian forces there. As an unarmed mission of civilian observers, the SMM could not provide sufficient guarantees to the Ukrainian side that such a scenario would not happen.

While the SMM's attempts to achieve further-reaching agreements on the withdrawal of weapons and to stabilize the situation around particular hotspots of greater military and symbolic importance were less successful, it did manage to facilitate a series of local ceasefires aimed at allowing the removal of casualties, the clearance of mines, and the repair of critical infrastructure, such as damaged water pipes or electricity installations. Such attempts were carried out by monitoring teams as well as senior management from Kyiv.

Monitoring beyond the Politico-Military Dimension

The continuous military exchanges along the line of contact have required the SMM to focus heavily on politico-military aspects of the conflict and, in particular, on monitoring the ceasefire regime and reporting on violations. This focus is reflected clearly in the daily reports of the SMM and in this contribution. However, the impression that the SMM is engaged only in these aspects and only in the Donetsk and Luhansk oblasts is not correct. Through its human dimension unit, the SMM has co-operated continuously with the ten monitoring teams across Ukraine to follow issues related to the human dimension of security. The hardships the conflict inflicts on the civilian population, and particularly the difficulties they have in crossing the lines – SMM reports indicate long queues at checkpoints with waiting times of several hours under dire conditions including shelling – and/or securing access to food, healthcare, and pensions, have been regularly covered in SMM daily reports. In publicly available thematic reports,[5] the SMM has, over the past year, also addressed issues such as gender, displacement, the impact of the crisis on western Ukraine, freedom of movement, and civil society. The SMM participates regularly in humanitarian co-ordination meetings in Kyiv and keeps in close contact with international humanitarian actors on the ground. The Mission has developed a particularly close co-operative relationship with the United Nations High Commissioner for Refugees (UNHCR) in reporting on issues concerning displaced persons, and has become the first OSCE field operation to roll out and widely use the OSCE/UNHRC protection checklist on displacement.[6] It also remains the only OSCE field operation with a dedicated gender advisor and a dedicated dialogue facilitation officer.

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5   Cf. OSCE Special Monitoring Mission to Ukraine, *Thematic Reports from the Special Monitoring Mission to Ukraine*, at: http://www.osce.org/ukraine-smm/156571.

6   Cf. OSCE/UNHCR, *Protection Checklist: Addressing Displacement and Protection of Displaced Populations and Affected Communities along the Conflict Cycle: a Collaborative Approach*, at: http://www.osce.org/secretariat/111464.

The SMM's geographical spread across the country continues to matter, too. The SMM has covered explosions and incidents in Odessa, Kharkiv, and other localities. In Odessa, in particular, the SMM has worked closely in facilitating local dialogue processes in close co-ordination with the OSCE Project Co-ordinator in Ukraine (PCU). When a violent incident between Ukrainian law enforcement agencies and an armed group of the "Right Sector" occurred in Muckacheve in the Transcarpathian region, the SMM was immediately able to deploy monitors to this locality to provide first hand reports on the situation there.

Conclusion

Looking back on the past year of OSCE crisis management in Ukraine, the involvement of the Organization focused mainly on two pillars: monitoring, and facilitating dialogue on the implementation of the Minsk Agreements. The SMM, in particular, focused on monitoring the ceasefire regime and stabilizing it by facilitating additional agreements on localized ceasefires and further weapons withdrawals. These tasks were not only new to the SMM but also to the OSCE itself. While the Helsinki Document 1992 first raised the possibility of OSCE peacekeeping, and the High Level Planning Group established in 1995 was tasked with planning a potential peacekeeping operation for Nagorno-Karabakh, the OSCE has never carried out or even prepared for a major ceasefire monitoring mission. Active ceasefire mediation is something the OSCE has just not engaged in over the past two decades.

Against this backdrop, the SMM's achievements in the current political and security environment are remarkable. The facilitation of local ceasefires through SMM monitors has not ended the conflict, but it has helped to keep critical civil infrastructure working. SMM reports on ceasefire violations, including the presence and use of heavy weapons in the defined exclusion zones, have become an important and trusted source for the international media and decision makers at the highest level. As pointed out, for reasons of security and due to technical limitations the SMM will not be able to report on and analyse every ceasefire violation. But its presence is sufficiently large and technically sophisticated enough to ensure that major trends and military movements are captured and reported. This increases transparency and helps to attach certain political costs to ceasefire violations – an important factor in the larger political process for the management of this crisis. At the time of writing, not only does the SMM remain the only international actor mandated and able to monitor the ceasefire agreement on the ground, it is also difficult to see who else could do this job under the current circumstances. Further political support for the OSCE and its efforts in Ukraine is therefore crucial.

The learning curve that both the SMM and the OSCE as a whole have had to negotiate to enable the SMM to achieve these results has been incred-

ibly steep. The OSCE has built up a mission that represents a 60 per cent increase of the entire Organization's budget and a 35 per cent expansion of its staff size.[7] The OSCE deployed UAVs for the first time and did so in record time, largely profiting from the experience of the UN. The OSCE has also deepened its contacts with the UN Departments for Political Affairs and Peacekeeping Operations. It has contracted a specialized consultancy company to analyse which surveillance technologies might be of use for the SMM and to develop the parameters for appropriate tendering processes. Based on its experience in the field and its existing network, the OSCE Conflict Prevention Centre (CPC) was able to quickly mobilize national experts on weapons identification and verification to train SMM monitors as well as an expert to conduct an assessment of how best to clear Shyrokyne of explosive hazards such as mines, improvised explosive devices (IEDs), and UXO, and to prepare documents needed to tender the clearance operation. Through its Mediation Support Team and its contacts with the UN Mediation Support Unit, the CPC mobilized quick expert support for the SMM relating to ceasefire monitoring and verification, including specialized training on local ceasefires for key SMM staff. The OSCE has further refined its regulations on dealing with casualties and hostage situations and, following a lessons-learned exercise and an external assessment of the security of the SMM, has also identified additional needs to develop and refine relevant operational instructions and policies in areas such as human resources, security, and information security.

Finally, the OSCE is considering new strategies to improve its reaction to these new challenges and to better prepare the Organization to run multidimensional field operations in a high-risk environment. The SMM is mandated as a civilian operation, and all its monitors are civilians. It cannot therefore easily mobilize some of the capabilities needed in such situations, as they are usually found with the military or police. At the same time, the SMM has managed to integrate some of these capabilities, such as UAVs, through commercial solutions, and the OSCE has gained knowledge from this. Learning further from the first 18 months of crisis management experience in Ukraine and continuing the process of professional and technological enhancement of the entire Organization will only bring benefit to the OSCE – including in terms of its capabilities to prevent, manage, and resolve conflicts elsewhere.

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7   The current annual budget of the SMM is 88.7 million euros; by 31 August 2015 it had a staff of 852. The entire OSCE budget for 2015 without the SMM is 141.1 million euros, with a total staff of 2,401.

Fred Tanner

The OSCE and the Crisis in and around Ukraine: First Lessons for Crisis Management

Introduction

The OSCE's response to the crisis in and around Ukraine is a story of both success and failure. It may be too early to draw authoritative conclusions concerning what this crisis means for the OSCE as an organization. It is clear, however, that all aspects of the core mandate of the OSCE have been affected throughout 2014 and 2015. There are a number of recommendations that can be extrapolated from an already rich body of analysis and other literature, which now also includes two reports by the Panel of Eminent Persons on European Security as a Common Project. In June 2015, the Panel published an interim report dedicated to the OSCE engagement in Ukraine and, in late November 2015, a final report on broader questions of European security.

This article will explore three issues that are directly linked to the Ukrainian crisis but have ramifications that go much further: the challenge of early crisis response; the development of relations between the OSCE and high-level contact groups in crisis management; and efforts to overcome the current political stalemate of the Organization, which results from the crisis in relations between Russia and the West. All three topics impact on the OSCE's capacity to act in times of crisis, and hold lessons for future efforts in crisis management and conflict resolution both for the OSCE and for other regional organizations.

The Failure of Prevention: Early Warning but no Early Response

As a consequence of the seminal 2013 Vilnius OSCE Ministerial Council Decision on the Elements of the Conflict Cycle (MC Decision 3/11),[1] the OSCE has enhanced its ability to act effectively across the conflict cycle, from early warning and early action, via dialogue facilitation and mediation, all the way to post-conflict rehabilitation. This decision was taken during the

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Note: The views expressed in this article are those of the author and should not be attributed to the OSCE or any other organization. The author would like to thank Mr Juraj Nosal for his assistance during preparation of this contribution.

1   Cf. Organization for Security and Co-operation in Europe, Ministerial Council, Vilnius 2011, *Decision No. 3/11, Elements of the Conflict Cycle, Related to Enhancing the OSCE's Capabilities in Early Warning, Early Action, Dialogue Facilitation and Mediation Support, and Post-Conflict Rehabilitation*, MC.DEC/3/11, 7 December 2011, at: http://www.osce.org/mc/86621.

mini-détente following the shock of the Russian-Georgian war of 2008. The crisis in and around Ukraine has become a first test of this decision. A number of authors in this publication explore how the various instruments in the OSCE's crisis response toolbox have been used with some success for mediation, de-escalation efforts, ceasefire monitoring and facilitation, and to prepare the conditions for the peaceful political settlement of the conflict.

However, in terms of early warning and early action, there is disagreement over the OSCE's performance. It is true that the annexation of Crimea by Russia in mid-March 2014 came as a surprise to most analysts and policy-makers. The fact-finding missions to Crimea by the OSCE institutions and the newly appointed Special Representative of the Chairperson-in-Office (CiO) that took place in early March 2014 had to be aborted due to threats by local self-defence militias, anti-OSCE demonstrations, and other security concerns. With the absence of the OSCE and other international organizations on the ground in Crimea, the international community was blind and unable to engage in early crisis response, and was soon confronted with a fait accompli.

With regard to the emerging conflict in eastern Ukraine, on the other hand, there was ample early warning. However, the OSCE and the international community at large failed to prevent this conflict from turning into a hot war. This failure of prevention had many reasons, but the lack of early warning was not one of them.

The OSCE institutions performed their early-warning functions, and various OSCE actors did visit Ukraine for fact-finding and assessment missions in the lead up to the crisis. The Secretary General provided early warning-related information during numerous meetings at the end of 2013. Even though Ukraine still held the OSCE Chairmanship, on 29 November 2013, the Representative on Freedom of the Media publicly condemned attacks on journalists in Ukraine and warned of a deteriorating situation. On 3 December 2013, the President of the OSCE Parliamentary Assembly, Ranko Krivokapić, publicly raised the issue of Ukraine. He expressed his deep concern at violence during demonstrations in Ukraine, urged all sides to avoid provocative acts, and called for a dialogue to defuse tensions. The crisis in and around Ukraine has become a regular item on the agenda of the OSCE Permanent Council since 12 December 2013, when it was raised by the United States for the first time. The OSCE was, however, not able to take early action for two main reasons.

First, despite MC Decision 3/11, the OSCE Secretary General is not practically empowered to take initiatives in the early stages of an emerging conflict. In recent years, the Permanent Council has been unable to provide the Secretary General with access to a contingency fund for early preventive action. A fund of this kind could have provided vital financing for fact-finding missions, technical expertise that was not available in the Secretariat, and short-term projects. As well as financial support and capacity building,

political empowerment is also required. The Panel of Eminent Persons recommends that the OSCE "give the Secretary General a standing mandate to take any steps within his authority that he thinks useful in the interests of conflict prevention, where necessary acting behind the scenes and reporting to the Permanent Council after the event".[2] Here, a close relationship between the OSCE Chairmanship and the Secretary General would be key to a coherent and rapid response to an emerging crisis situation.

Second, no action was possible as long as Ukraine continued to treat the escalating conflict as a purely domestic issue and was not open to accepting international crisis support until it was too late. According to the Report of the Panel of Eminent Persons, the government of Ukraine under President Yanukovych "was unready to acknowledge the seriousness of the problems either as OSCE Chairmanship in 2013, or on its own account, when Switzerland took over the Chairmanship in 2014".[3]

Although the Ukrainian government was concerned not to internationalize the crisis, the OSCE was nevertheless able to take a number of measures to improve the information flow that was essential for thorough conflict analysis, early warning, and response. The OSCE used its Project Coordinator in Ukraine (PCU) to co-ordinate its early action. Though the PCU had no mandate for political reporting, the Ukrainian government allowed the OSCE to develop a national dialogue facilitation project, which was led by Ambassador Hido Biščević. This project enabled the OSCE to send experts to Kyiv and to places such as Odessa, Kharkiv, Luhansk, Dnipropetrovsk, Donetsk, and Lviv. They engaged with a wide range of people from state institutions, local authorities, churches, and civil society to assess their views and concerns and identify entry points for dialogue facilitation. The information and insights gained at this early stage of the crisis were shared with the UN and regional organizations in informal workshops in Vienna.

Furthermore, in the very early stages of the conflict, at the point when the Maidan demonstrations turned violent, the OSCE was able to dispatch an expert to the Swiss embassy in Kyiv to support Swiss efforts in mediating the peaceful return of occupied buildings to the authorities.

Finally, after a new government took charge in Kyiv, and the decision was made in Vienna on 21 March 2014 to establish the Special Monitoring Mission to Ukraine (SMM), the PCU in Kyiv played a central role as a co-ordination centre for the rapid deployment and build-up of this mission. These examples show that the search for multiple entry points is essential for timely information, accurate analysis, and the building of a dialogue network with local communities and civil society, especially when faced with host country reluctance.

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2   *Lessons Learned for the OSCE from its Engagement in Ukraine. Interim Report and Recommendations of the Panel of Eminent Persons in European Security as a Common Project*, sine loco, June 2015, p. 9, at: http://www.osce.org/networks/164561.

3   Ibid., pp. 6.

The crisis in and around Ukraine showed that outside responses could only develop sufficient traction when endorsed and supported by high-level contact groups. An initiative by the OSCE Chairmanship, the Troika, or the Secretary General needs to be backed up and actively promoted by various capitals that have a stake in the peaceful settlement of the conflict.

In the case of the crisis in and around Ukraine, the leaders of several countries and institutions have met in varying formats and contact groups. Contact between such high-level groups and the OSCE has been a recurrent feature of the crisis. One question that has emerged repeatedly is the extent to which such contact groups or "group of friends" can mandate the OSCE to perform additional tasks and take on increased responsibilities, as well as the degree to which the OSCE has been given opportunities to influence the decision-making process of such groups.

It was the Swiss CiO who, at a very early stage in the crisis, launched the idea of a contact group in his formal address to the UN Security Council in New York on 25 February 2014. This suggestion came to fruition in different forms and at different levels. The first meeting of a high-level group took place on 17 April 2014, when the foreign ministers of the United States, Russia, and Ukraine and the EU High Representative for Foreign Affairs and Security Policy met in Geneva and issued a joint statement with a number of recommendations pertaining to a peaceful settlement of the differences in Ukraine. The recommendations included the disarmament of illegal groups, the return of illegally seized buildings, and the establishment of a broad national dialogue in support of a constitutional process. Known as the Geneva Joint Statement, this document also empowered the SMM to support the "Ukrainian authorities and local communities" in de-escalation measures.[4]

While disarming illegal groups was a difficult proposition in a time of escalating conflict, the OSCE did feel that it could support the facilitation of national dialogue and engage in a number of activities to promote de-escalation. The Swiss Chairmanship developed a roadmap that spelled out more concretely how the Organization could contribute to the implementation of the commitments set down in Geneva.[5] It turned out that not all of the states concerned were willing to take ownership of the roadmap, which prevented a structured and sequential approach to the management of the Ukrainian conflict.

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4   European Union, External Action, *Joint Statement, Geneva Statement on Ukraine*, Geneva, 17 April 2014, at: http://eeas.europa.eu/statements/docs/2014/140417_01_en.pdf.
5   The CiO presented the key elements of the roadmap to the Foreign Affairs Council of the European Union in Brussels on 12 May 2014; cf. Swiss Confederation/OSCE Switzerland 2014, *A Roadmap for concrete steps forward: The OSCE as an inclusive platform and impartial actor for stability in Ukraine*, CIO.GAL/78/14, Bern/Brussels, 12 May 2014, at: http://www.osce.org/cio/118509.

The Geneva group met several times in Kyiv and elsewhere at different levels in order to assist in the implementation of the various recommendations. The relationship between the Geneva group and the OSCE was not particularly intimate. The CiO was not invited to attend the Geneva meeting in April 2014 and, in contrast to the Normandy format, the OSCE was not involved in the preparation of its meetings. The Normandy format, in which Germany and France took the place of the United States and the EU, superseded the Geneva group after Petro Poroshenko was elected president of Ukraine in May 2014.

This new contact group met for the first time on the occasion of the 70th anniversary of the Allied landings in Normandy. The group, which met at the level of heads of state, established the Trilateral Contact Group (TCG) and has become a key actor in negotiations between Ukraine and Russia, later also including the rebel groups.

The Normandy foreign ministers met in Berlin a month later on 2 July 2014 and, against the background of rapidly escalating violence in Donbas, agreed to a declaration that mandated the OSCE to monitor a future ceasefire agreement "in conformity with its mandate".[6] Thanks to the flexibility of the SMM's mandate, the new task handed down by the Normandy quartet did not need a new Permanent Council decision that would require the consensus of all 57 participating States. The Berlin Declaration also invited the OSCE to deploy observers to two checkpoints on the Russian side of the Ukrainian-Russian border to compensate for the SMM's lack of access to large parts of the Ukrainian border areas controlled by rebel groups. The Normandy group thus brought about the return of an OSCE mission to Russian territory, eleven years after the closure of the OSCE Assistance Group to Chechnya.

Escalation of the conflict in the Donbas over the summer of 2014 led to intensified efforts to reach an agreement that would stop the fighting and pave the way to a political settlement. The work of the TCG bore fruit in September 2014 when, after extensive negotiations, the representatives of Ukraine, Russia, and the separatists agreed on a ceasefire in Minsk, the Belarusian capital. Despite a degree of de-escalation in many areas over the autumn, fighting never stopped completely. A new upsurge in late 2014 and early 2015 threatened to completely derail the ceasefire agreement. It became clear that without the direct involvement of the Normandy group, it would be very difficult to pressure all the parties to the conflict into complying with the provisions of the Minks Agreements. The key Normandy meeting took place in February 2015, again in Minsk. There, the leaders adopted the "Package of Measures for the Implementation of the Minsk Agreements". This package was prepared by several Normandy format working meetings at expert and senior-officials level before the leaders travelled to Minsk. The OSCE was

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6   Auswärtiges Amt [German Federal Foreign Office], *Joint Declaration by the Foreign Ministers of Ukraine, Russia, France and Germany*, 2 July 2014, at: http://www.auswaertiges-amt.de/DE/Infoservice/Presse/Meldungen/2014/140702_Statement.html.

involved in these preparatory meetings and was represented at the Minsk negotiations by Ambassador Heidi Tagliavini, the Personal Representative of the Chairperson-in-Office for the TCG.

The Normandy format prevented parties to the conflict from inserting new conditionalities into the political process and from widening the scope of negotiations beyond the Minsk parameters. One Normandy country (Russia) also introduced a UN Security Council Resolution to endorse the Minsk Agreements on a global scale.[7]

In contrast to the Geneva format, the leaders of the Normandy group engaged directly in the negotiations in Minsk together with the TCG. At the same time, the TCG provided a link to the representatives of the separatists, who have attended its meetings, though they are not formally a part of the group. The Package of Measures for the Implementation of the Minsk Agreements was supplemented by a declaration endorsing it; the declaration makes no explicit reference to the role of the OSCE, but includes a commitment to "establish an oversight mechanism in the Normandy format".[8] This oversight mechanism, in form of regular meetings of senior officials, has since served to provide guidance in the implementation of the political aspects of the Minsk Agreements. The Normandy format's Paris summit meeting of 2 October 2015 provided guidelines for the four working groups of the TCG on security, political, humanitarian, and economic issues. The OSCE is represented in all of these working groups. The Normandy format meeting of ministers of foreign affairs in Berlin of 6 November 2015 produced guidelines for the political affairs working group of the TCG, with a special emphasis on elections.[9]

The Normandy group has thus far met at the level of foreign ministers, deputy foreign ministers, and political directors eleven times and at the level of heads of state or government three times. In addition, several phone conversations among the leaders of Normandy group states have taken place. The OSCE was kept up to date in various ways, for example, through statements to the Permanent Council, as was the case on 8 October 2015, when the delegation of France made a statement on the Normandy summit meeting

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7   Resolution 2202 (2015) calls on all parties "to fully implement the 'Package of measures', including a comprehensive ceasefire", United Nations, Security Council, *Resolution 2202 (2015), Adopted by the Security Council at its 7384th meeting, on 17 February 2015*, S/RES/2202 (2015), 17 February 2015, p. 1, at: http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2202 (2015).

8   *Declaration of the President of the Russian Federation, the President of Ukraine, the President of the French Republic and the Chancellor of the Federal Republic of Germany in support of the "Package of Measures for the Implementation of the Minsk Agreements"*, adopted on 12 February 2015 in Minsk, Annex II to United Nations Security Council Resolution 2202 (2015), cited above (Note 7), p. 5.

9   Cf. Federal Foreign Office, *Statement by Foreign Minister Steinmeier following the four-way ministerial meeting on Ukraine*, 6 November 2015, at: http://www.auswaertiges-amt.de/EN/Infoservice/Presse/Meldungen/2015/151106_Ukraine.html.

of 2 October.[10] Alternatively, the Normandy host country may make a public statement, as was the case after the Berlin meeting of 6 November. Germany, as a member of the OSCE Troika, also kept the other Troika members informed.

This degree of co-ordination with external high-level contact groups is relatively new to the OSCE. The advantage of high-level groups such as Geneva or Normandy is their leverage over actors involved in the peace process; they can also broaden the agenda to cover issues beyond the remit of the OSCE. In its final report, the Panel of Eminent Persons recommended that the Normandy group be upgraded to include the remaining signatories of the Budapest Memorandum (the United States and the United Kingdom). A "Normandy Plus" group of this kind would "help deal with political and security issues arising in the implementation of the Minsk agreements".[11] However, not all OSCE participating States are keen to support the contact group model, as contact groups are by definition not inclusive, and can be reminiscent of cases where great powers have collaborated to "carve up" the world, as at the Congress of Vienna or the Yalta Conference.

A Return to Diplomacy: How to Overcome the OSCE's Political Stalemate

Although the OSCE has been able to stage an impressive crisis management response with regard to the crisis in and around Ukraine, the Organization remains deeply divided over the violation of Ukraine's sovereignty and territorial integrity and the illegal annexation of Crimea. As an inclusive institution, the OSCE finds itself in a political stalemate, in which a large number of participating States feel that the violation of the Helsinki principles is making it difficult, if not impossible, to engage with Russia in a dialogue on confidence-building and European security.

One consequence of this was that the OSCE's "Helsinki +40" reform process came to a grinding halt towards the end of 2014. In this difficult situation, the Swiss OSCE Chairmanship, in close co-operation with the other two members of the 2015 OSCE Troika, launched the "Panel of Eminent Person on European Security as a Common Project" in order to find common ground and define conditions under which dialogue and co-operation on European security could resume. The Panel produced its interim report "Lessons learned for the OSCE from its engagement in Ukraine" in June 2015 and the final report "Back to Diplomacy" in late November 2015.

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10 Cf. Organization for Security and Co-operation in Europe, Permanent Council, *Statement by the Delegation of France (also on behalf of Germany)*, PC.JOUR/1070, 8 October 2015.

11 *Back to Diplomacy. Final Report and Recommendations of the Panel of Eminent Persons on European Security as a Common Project,* sine loco, November 2015, p. 13, at: http://www.osce.org/networks/205846; also reprinted in this volume, pp. 377-408, here: p. 385.

The final report presents the OSCE community with a number of recommendations that could pave a way to a robust diplomatic process that would conclude with a summit meeting. The goal would be to "re-establish security on a co-operative basis, within the framework of the OSCE principles".[12] Yet the Report argues that there is a more urgent need to address the dangerous situation in Europe in the short term. For this purpose, Russia and the West should engage in risk-reduction measures that would prevent military accidents or dangerous incidents such as the shooting down of a Russian military plane by Turkey in late November 2015. Another key short-term measure is the full implementation of the Minsk Agreements, which the Report describes as the "starting point for the development of a sustainable political, military and economic settlement of the crisis in and around Ukraine".[13]

The Report makes a strong plea for a robust diplomatic process that would lead to the long-term objective of a summit, thereby putting European security on a more stable foundation. It specifies five thematic clusters that the Panel believes need to be addressed by participating States in a process of this kind and could serve as signposts on the journey towards an OSCE summit, where the leaders would recommit themselves to the Helsinki Principles. These clusters include: reaching agreement on the security status of "states in-between", such as Ukraine, Moldova, and Georgia; renewed efforts to resolve protracted conflicts in the OSCE area; strengthening the human dimension; enhancing economic connectivity; and expanding partnerships with the OSCE's neighbouring countries in the Mediterranean and Asia as well as other multilateral actors.

The Report focuses on the uncertain security status of "states in-between" and underlines the tension between the sovereign right to freely choose alliance membership and the security concerns of states neighbouring an enlarging NATO: "The applicant country and NATO collectively as well as their neighbouring states have a collective responsibility to work together to strengthen the security of Europe as a whole where legitimate security interests of everyone are protected."[14] It offers numerous options to be examined, such as a treaty on European security, alliance membership, and various forms of neutrality. In view of the centrality of the fate of these ex-Soviet republics and the impact of this on European security at large, the Report proposes to support the future security arrangements of those states by strengthening agreements supporting military transparency and confidence-building measures.

The Report has shown that in order to overcome the current political stalemate and to regain its capacity to act, the OSCE needs to be able to tackle the absence of a common understanding of the past. In three short and

12 Ibid., p. 14 (p. 385).
13 Ibid., p. 13 (p. 385).
14 Ibid., p. 14 (p. 386).

three long narratives, it illustrates clearly that Russia, the West, and the "states in-between" disagree over how the OSCE community came to be in a deep crisis of European security. To overcome the current divisions, a common and inclusive process of reconciliation is required. This is not possible with the current deficit of trust and confidence. Without a minimum of trust, many countries may fall back to Cold War reflexes and power politics. To overcome the "normative" and political crisis of the OSCE, a return to the Helsinki spirit may be required, yet without ignoring the important *acquis* the OSCE has created in all of its three dimensions. The Panel's Report shows that "new thinking" may be required, but it does not call for new institutions or rules to be created: The key is to make the existing rules work in a new and rapidly changing political and security environment.

Conclusion

With the conflict in and around Ukraine continuing, it is premature to draw conclusions about its impact on the role and position of the OSCE in general. However, one can already identify a couple of trends and lessons learned for future crisis prevention and conflict management.

The first lesson is that early warning is only useful when it can lead to early action for the prevention of armed violence. In the case of Ukraine, there was early warning, but the OSCE was not empowered by the participating States to take early action, nor could the OSCE Chairmanship offer its good offices until Kyiv agreed to international support. In the early stage of a conflict, time is of the essence, and short of formal engagement, it is important to increase the probability that early action will be taken and will succeed by measures such as dialogue facilitation and strengthening the presence on the ground to create a better understanding of the conflict for information sharing, analysis, and network-building.

The OSCE has faced a new challenge, but possibly also a new opportunity, in the form of its intensified interaction with external high-level policy groups such as the Normandy format. A preliminary lesson learned here is that the OSCE needs to be involved in the preparation of such meetings and to be able to ensure regular information-sharing with the Troika and the Permanent Council. The implementation of tasks handed down to the OSCE requires openness as well as a clear understanding on the sequence of practical steps to be taken. The high-level groups should ensure that the concerned states take ownership of the implementation plan. This is not always an easy task, as decisions by high-level policy groups are often vague and reflect disagreements among their various members.

Finally, while the operational response of the OSCE to the conflict in Ukraine can be considered a success, the political stalemate inside the Organization continues. To overcome this challenge, the participating States

have to engage in an open, long-term, and systematic political process to address their differences. The Panel of Eminent Persons has prepared a credible roadmap with signposts for a robust diplomatic process to help participating States get out of the current political stalemate and re-consolidate the European security architecture.

Jean P. Froehly

OSCE/ODIHR's Responses to the Crisis in and around Ukraine

The crisis in and around Ukraine has underlined once again the value of the OSCE concept of comprehensive security. It has clearly shown that there can be no lasting security and stability in Europe without full respect for and strict implementation of all OSCE commitments across the three dimensions of security and, especially, of those in the OSCE's human dimension of security. ODIHR proved itself relevant and operational in substantially contributing to the OSCE's responses to the crisis in and around Ukraine.

Michael Georg Link, Director of OSCE/ODIHR

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) has played an important role in the Organization's reaction to the crisis in and around Ukraine from the beginning. This contribution aims to present examples of ODIHR's activities in and around Ukraine in 2014 and 2015 as an effective response to the events that have taken place in the country since February 2014. Examples are taken out of three main areas of activities: human rights monitoring, election observation, and activities aiming to support Ukraine's reform efforts in order to enhance its ability to implement its OSCE commitments.

Human Rights Monitoring: ODIHR among the First International Organizations Actively Monitoring the Situation on the Ground

This section deals with ODIHR's Human Rights Assessment Mission (March 2014), the Situation Assessment Report on Roma in Ukraine (August 2014), efforts to follow trials of Ukrainian citizens in the Russian Federation (since February 2015), and the Human Rights Assessment Mission on Crimea (July 2015).

Human Rights Assessment Mission (together with the HCNM, March 2014)

Established at the request of the government of Ukraine, which issued an invitation on 3 March 2014, ODIHR, together with the High Commissioner on National Minorities (HCNM), conducted a Human Rights Assessment Mission (HRAM) in Ukraine, including Crimea, between 6 March and 17 April 2014. It took place against the backdrop of events in Kyiv from November

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2013 to February 2014. In accordance with their respective institutional mandates, ODIHR and the HCNM carried out their fieldwork independently in line with their established methodologies. This was also reflected in the final report, which was made public on 12 May 2014. A total of 19 experts from ODIHR participated in various stages, working in teams of two to collect information through a total of 187 interviews with individuals, complemented by desk research and analysis of secondary sources. Among other regions of Ukraine, Crimea was covered by three ODIHR teams, the Donbas and Kharkiv by four ODIHR teams, Odessa and Mykolayiv by three ODIHR teams.

The main findings of the report were summed up by then ODIHR Director Janez Lenarčič and HCNM Astrid Thors in the covering letter on the report they sent to the Ukrainian Foreign Minister, Andrii Deshchytsia: "The HRAM conducted by ODIHR established that a number of serious human rights violations occurred during the reporting period. As a rule, these violations did not precede but rather accompanied and followed the emergence of various armed groups, first and foremost in Crimea and eastern and southern Ukraine. The targets were primarily pro-Maidan activists and journalists.

The HCNM HRAM found that the situation concerning minority rights has not changed significantly in recent months […] The most dramatic changes in the situation of minorities and their enjoyment of human, including minority, rights have occurred in Crimea, particularly affecting ethnic Ukrainians and Crimean Tatars, who find themselves in a very precarious situation."[1] The ODIHR report stated that "no increase in the manifestation of intolerance or escalation of violence against the Russian-speaking population was observed in the regions covered by the HRAM during its deployment."[2]

Situation Assessment Report on Roma in Ukraine and the Impact of the Current Crisis

Upon receiving reports of attacks against Roma in Ukraine during the crisis, ODIHR's Contact Point for Roma and Sinti Issues (CPRSI) conducted a monitoring exercise in the country in June and July 2014. The "Situation Assessment Report on Roma in Ukraine and the Impact of the Current Crisis"[3] was launched on 29 September 2014 at a side event during the main annual OSCE Human Dimension conference, the Human Dimension Implementation Meeting (HDIM) in Warsaw, which is organized by ODIHR. The launch was attended by Ukrainian officials and Roma civil society.

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1   OSCE HCNM/OSCE ODIHR, *Ukraine, Human Rights Assessment Mission: Report on the Human Rights and Minority Rights Situation, March-April 2014*, The Hague/Warsaw, 12 May 2014, at: http://www.osce.org/odihr/118476.
2   Ibid., p. 9.
3   OSCE ODIHR, *Situation Assessment Report on Roma in Ukraine and the Impact of the Current Crisis*, Warsaw, August 2014, at: http://www.osce.org/odihr/124494.

The report aimed to assess the overall situation of Roma in Ukraine, the progress made in implementing Ukraine's national Strategy for the Protection and Integration of the Roma National Minority into Ukrainian Society up to 2020, and the impact of the current crisis on Roma. The report's key findings include the following:

> In general, the situation of Roma in Ukraine remains problematic. The main challenges facing Roma include the lack of personal documents, difficulties accessing quality education and employment, inadequate housing conditions and misconduct by the police toward Roma […]
>
> Recent political developments in Ukraine have further negatively affected the situation of Roma, in particular of those displaced from Crimea and eastern Ukraine. […]
>
> Displaced Roma face particular challenges due to the lack of civil registration and valid residence registration documents confirming their displacement from eastern Ukraine. […] There is limited awareness of specific factors that contribute to the vulnerability of Roma, and insufficient outreach activities by relevant actors to address the situation of displaced Roma, in particular Roma women.[4]

The report contains several concrete recommendations to the Ukrainian authorities, including to review and amend the national Strategy and the National Action Plan (NAP) on implementation of the Strategy in close consultation with Roma civil society, to create an effective interministerial coordination mechanism, to provide civil registration documents and birth certificates to all Roma, and to abolish the practice of segregating Roma children in Roma-only classrooms or schools.

In addition to its Assessment Report, the CPRSI also supported the Roma women's charity "Chiricli" in carrying out, in co-operation with its local partners and through their network of Roma mediators employed throughout the country, a comprehensive analysis of the situation of Roma and Sinti in crisis and post-crisis situations in ten regions of Ukraine (Donetsk, Luhansk, Odessa, Kharkiv, Crimea, Kherson, Zakarpattia, Lviv, Kyiv, and Zhytomyr). The analysis was published in September 2014 and confirmed the results of ODIHR's assessment.[5]

As a follow up to the Assessment Report, the CPRSI conducted a number of targeted activities throughout 2015 to address some of the key challenges identified. These include the organization of an expert seminar on improving access to identity and civil registration documents for Roma in Ukraine and a round-table to provide a platform for dialogue on the imple-

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4 Ibid., p. 5-6.
5 Chiricli, *Monitoring the human rights situation of Roma in Ukraine*, September 2014, at: http://chirikli.com.ua/index.php/en/library/item/93-monitoring-the-human-rights-situation-of-roma-in-ukraine.

mentation of the national Strategy and Action Plan for Roma integration in the country.

Trials of Ukrainian Citizens in the Russian Federation

ODIHR sent two representatives to attend a court hearing on 25 February 2015 related to the case of Nadiya Savchenko, a Ukrainian Air Force Pilot, who was detained in the Russian Federation in July 2014 and charged with complicity in the murder of two Russian journalists near Luhansk in June 2014.[6] Michael Georg Link, the Director of ODIHR since July 2014, recalled the fact that "in Moscow in 1991, OSCE participating States agreed to treat prisoners with dignity and to respect internationally recognized standards regarding the administration of justice. […] All states should continue to work to ensure that the right to a fair trial and the right not to be subjected to arbitrary arrest or detention are respected."[7] The Director also welcomed the engagement of the Commissioner for Human Rights in the Russian Federation, Ella Pamfilova, in this case.

A number of other Ukrainian nationals remained in detention in the Russian Federation during 2015. After Ukrainian film director Oleg Sentsov and civil society activist Alexander Kolchenko were sentenced respectively to 20 years and ten years in prison on terrorism-related charges on 25 August 2015, Director Link stated that "a great deal of concern has been expressed, both at the national and international level, about alleged torture and other ill-treatment and violations of the right to a fair trial in certain recent criminal cases involving foreign national defendants. […] I reiterate my call on the authorities of the Russian Federation to observe their obligations regarding the treatment of all detainees and the right to a fair trial."[8] Both Sentsov and Kolchenko were treated as Russian citizens. Their appeals to be recognized as Ukrainian citizens were rejected by the Russian authorities. In his press statement, Director Link added that "ODIHR has expressed its willingness, in line with its mandate, to conduct an assessment of compliance with human rights standards, including the right to a fair trial, in cases of particular concern. […] We will continue to follow these cases very closely, standing ready to assist the Russian Federation in the implementation of OSCE human rights and rule of law commitments."[9] ODIHR's suggestion that it enhance monitoring activities around the Savchenko and other cases has not resulted in an official invitation for trial monitoring from the Russian Federation.

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6   During her detention, Savchenko became a Member of the Ukrainian Parliament and of the Parliamentary Assembly of the Council of Europe.
7   OSCE ODIHR, *ODIHR attended Savchenko hearing in Moscow*, Warsaw, 27 February 2015, at: http://www.osce.org/odihr/143001.
8   OSCE ODIHR, *ODIHR Director expresses concern about continued detention and sentencing of foreign nationals in the Russian Federation*, Warsaw 27 August 2015, at: http://www.osce.org/odihr/178921.
9   Ibid.

Human Rights Assessment Mission on Crimea (together with HCNM, July 2015)

Following an invitation by the government of Ukraine on 15 June 2015, ODIHR, again together with the HCNM, conducted a joint Human Rights Assessment Mission on Crimea from 6 to 18 July 2015. This mission evaluated the human rights situation in Crimea, including the situation of minority groups, as impacted by developments since the release of the previous ODIHR/HCNM report on Ukraine in May 2014.[10]

International institutions and independent experts from the OSCE, the United Nations, and the Council of Europe have all seen their access to the Crimean peninsula either fully or partially restricted since March 2014. Yet even though the ODIHR/HCNM HRAM was not able to gain direct access to Crimea, extensive meetings and interviews with over 100 civil society actors, Ukrainian authorities, internally displaced persons and cross-boundary travellers, meant that it received numerous credible, consistent, and compelling accounts of human rights violations and legal irregularities in Crimea – some of them of a serious nature.

The report[11] was presented on 17 September 2015 in Kyiv and at the 2015 HDIM in Warsaw. It stated that

> the most critical human rights problems in Crimea today are largely congruent with the concerns and negative trends identified in that previous assessment […]
>
> […] the changes in government and the legal framework being applied in Crimea have dramatically impacted the enjoyment of the full spectrum of human rights and fundamental freedoms by residents there […]
>
> Fundamental freedoms of assembly, association, movement, expression and access to information have all been restricted in some fashion – whether through formal measures, or through the sporadic targeting of individuals or communities representing opposing views, voices or socio-political structures. […]
>
> Re-registration requirements by the Russian Federation for non-governmental organizations (NGOs), media outlets, and religious organizations have reportedly been leveraged against those opposed to Russian rule, significantly restricting freedom of association, constricting the space for civil society, and decimating the number of independent voices in the media landscape. […]
>
> Through the justice system, the *de facto* authorities in Crimea have applied vague charges of "extremism" and "separatism" under criminal

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10   Cf. OSCE HCNM/OSCE ODIHR, cited above (Note 1).
11   OSCE ODIHR/OSCE HCNM, *Report of the Human Rights Assessment Mission on Crimea (6-18 July 2015)*, 17 September 2015, at: http://www.osce.org/odihr/180596.

law of the Russian Federation to a wide variety of assemblies, speech and activities – in some cases retroactively […] and/or outside of Crimea in mainland Ukraine.[12]

In addition, the report deals with "self-defence" groups accused of committing serious human rights abuses; with economic, social, and cultural rights linked to the imposition of Russian citizenship and laws on residents of Crimea (obstacles in reregistering and/or selling private properties and businesses, gaining or retaining employment, and in accessing education, healthcare, and social services); with language teaching and native-language education in the Ukrainian and Crimean Tatar languages; with the prison system (including the medical care of prisoners); with various legal and practical problems (acquiring Ukrainian birth certificates for newly born children, the recognition of university degrees); and with the status of Ukrainian culture and language generally. In addition, the report refers to policy measures adopted by the Ukrainian government to meet the needs of its citizens remaining in, or displaced from Crimea. According to the report, "many of those citizens impacted by the political and security challenges in Crimea over the last year have called for more relief and administrative assistance from the Ukrainian government to overcome those problems".[13]

A further subject of attention in the report is the exercise of political and civil rights of persons belonging to the Crimean Tatar community. The report found that the suppression of the activities of Crimean Tatar Mejlis[14] and the intimidation, expulsion, or incarceration of prominent leaders have had a detrimental effect on the exercise of these rights.

Election Observation Activities: The Largest ODIHR Missions to Date.

This section deals with the Election Observation Mission for the early presidential election (May 2014), the Election Observation Mission for the early parliamentary elections (October 2014), the role of ODIHR in observing local elections in certain areas of the Donetsk and Luhansk regions in Ukraine (decided upon in February 2015 in Minsk) and the Election Observation Mission for the local elections (October 2015).

In establishing its largest election observation missions to date in order to observe the early presidential (25 May 2014) and parliamentary elections (26 October 2014), ODIHR once again proved its vital operational role within the OSCE institutional family and the human dimension.

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12   Ibid., p. 4-5.
13   ibid., p. 8.
14   An indirectly elected assembly of the Crimean Tatar people founded in 1991.

Following an invitation from the acting minister of foreign affairs of Ukraine, ODIHR established an Election Observation Mission (EOM) on 20 March 2014. The Mission consisted of 24 experts and 100 long-term observers (LTOs) based in 26 locations throughout the country. On election day, 1,025 long-term and short-term observers were deployed by the OSCE/ODIHR. Members of the ODIHR Mission were drawn from 46 OSCE participating States and one Partner for Co-operation country. For election day, the ODIHR EOM joined forces with delegations from the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe, the European Parliament, and the NATO Parliamentary Assembly to form an International Election Observation Mission (IEOM). In total, over 1,200 observers from 49 countries were deployed by the IEOM.

In its Statement of Preliminary Findings and Conclusions, the IEOM noted that the election

> was characterized by high voter turnout and the clear resolve of the authorities to hold what was a genuine election largely in line with international commitments and with a respect for fundamental freedoms in the vast majority of the country. This was despite the hostile security environment in two eastern regions and the increasing attempts to derail the process by armed groups in these parts of the country. The Central and other election commissions operated impartially and collegially on the whole, although a number of transparency issues arose just prior to election day and decisions taken may have been beyond their authority. The voting and counting process were transparent and largely in line with procedures, despite large queues of voters at polling stations in some parts of the country. The early stages of the tabulation process were evaluated less positively by International Election Observation Mission (IEOM) observers mostly due to technical problems.
>
> […] The election took place in a challenging political, economic and in particular security environment. Genuine efforts were made by the electoral authorities to conduct voting throughout the country, despite continued unrest and violence in the east of Ukraine, where anti-government forces control some areas, and the acting government is conducting counter-insurgency operations. This seriously impacted the election environment and affected the general human-rights situation there, also obstructing meaningful observation. The election did not take place on the Crimean peninsula, as it is not under the control of the Ukrainian authorities, and citizens residing there faced serious difficulties to participate in the election.[15]

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15 European Parliament/OSCE PA/OSCE ODIHR/Parliamentary Assembly of the Council of Europe/NATO Parliamentary Assembly International Election Observation Mission,

Along with assessing where the presidential election met the appropriate international standards, the OSCE/ODIHR EOM's Final Report offers recommendations for addressing areas where it had fallen short. Eight of the 29 recommendations in the report were listed as priorities, focusing on the legal framework, election administration, the complaints and appeals process, special measures for voter registration, campaign finance, and the role of the National Broadcasting Council.[16] The Final Report and especially its recommendations were presented by ODIHR Director Link on 15 July 2014 during a roundtable event in Kyiv he attended on one of his first foreign trips as Director. The report's recommendations were at the centre of discussions between representatives of ODIHR, the Ukrainian Ministry of Foreign Affairs, the Ukrainian parliament, the Central Election Commission, civil society, and international organizations.

Early Parliamentary Elections (26 October 2014)

Following an invitation from the Ministry of Foreign Affairs of Ukraine, on 19 September 2014, ODIHR established an EOM to observe the early parliamentary elections. The Mission consisted of 21 experts and 80 LTOs, based in 23 locations throughout the country. On election day, 756 long-term and short-term observers were deployed by ODIHR. Members of the EOM were drawn from 39 OSCE participating States and two Partner for Cooperation countries. For election day, the OSCE/ODIHR EOM joined forces with delegations from the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe, the European Parliament and the NATO Parliamentary Assembly to form an IEOM. The IEOM deployed some 930 observers from 43 countries on election day.

The IEOM noted in its Statement of Preliminary Findings and Conclusions that the elections

> marked an important step in Ukraine's aspirations to consolidate democratic elections in line with its international commitments. There were many positive points to the process, such as an impartial and efficient Central Election Commission, an amply contested election that offered voters real choice, and a general respect for fundamental freedoms. […] In most of the country, election day proceeded calmly, with few disturbances. Voting and counting were transparent and assessed positively overall. The early stages of the tabulation process

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Ukraine – Early Presidential Election, 25 May 2014, *Statement of Preliminary Findings and Conclusions*, Kyiv, 26 May 2014, pp. 1-2, at: http://www.osce.org/odihr/elections/ukraine/119078.

16   Cf. OSCE Office for Democratic Institutions and Human Rights, Ukraine, Early Presidential Election, 25 May 2014, OSCE/ODIHR Election Observation Mission, Final Report, Warsaw, 30 June 2014, pp. 30-31, at: http://www.osce.org/odihr/elections/ukraine/120549.

were viewed more negatively by observers, with tensions in some cases. […]

The elections took place in an increasingly challenging political and security environment, notwithstanding the September Minsk agreements. […] Electoral authorities made resolute efforts to organize elections throughout the country, but they could not be held in parts of the regions (*oblasts*) of Donetsk and Luhansk or on the Crimean peninsula.[17]

The Role of ODIHR in Observing Local Elections in Certain Areas of the Luhansk and Donetsk Regions as Tasked by the "Package of Measures for the Implementation of the Minsk Agreements" (since 12 February 2015)

In line with the tasks assigned to it in the Package of Measures for the Implementation of the Minsk Agreements, agreed by the Trilateral Contact Group at the summit in Minsk on 11/12 February 2015, throughout 2015, ODIHR has been preparing to conduct an Election Observation Mission to observe the local elections in certain areas of the Donetsk and Luhansk regions. Thus, ODIHR, with its extensive expertise and experience in the field of elections, including elections held in conflict or post-conflict situations, supported the work of the Special Representative of the Chairperson-in-Office of the OSCE as part of the Trilateral Contact Group and the efforts of its working group on political affairs, co-ordinated by Ambassador Pierre Morel.

In addition, following an invitation from the Ministry of Foreign Affairs of Ukraine, a Security Assessment Team was deployed from 18 to 22 May 2015 with the aim of assessing the security situation in these areas and determining the security environment for the deployment of an election-related activity. In its Security Assessment Mission Report, made available to delegations on 15 June 2015, ODIHR underlined that "in order to ensure credible and effective election observation by ODIHR, a number of basic conditions underpinning ODIHR's existing observation methodology should be in place, including a secure environment in which to operate unhindered, and having the freedom to travel in all areas without any prior notification, restriction, or escort". ODIHR has repeatedly stressed the need for the fulfilment of these basic conditions for election observation according to OSCE and international standards ever since the adoption of the Minsk package of Measures on 11 February 2015.[18]

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17 European Parliament/OSCE PA/OSCE ODIHR/Parliamentary Assembly of the Council of Europe/NATO Parliamentary Assembly International Election Observation Mission, Ukraine – Early Parliamentary Elections, 26 October 2014, *Statement of Preliminary Findings and Conclusions*, Kyiv, 27 October 2014, p. 1, at: http://www.osce.org/odihr/elections/ukraine/126043.

18 Cf., e.g., the opinion piece by Director Link in the Neue Zürcher Zeitung on 19 May 2015: Michael Georg Link, Die Wahlbeobachter müssen auf die Krim. OSZE-Standards

On 19 May 2015, when travelling to Donetsk, the ODIHR security team was informed that the access to certain areas of the Donetsk and Luhansk regions that had initially been negotiated by the OSCE Special Monitoring Mission (SMM), was no longer being granted. Given that ODIHR could not access Donetsk and Luhansk, it could not assess the security environment in certain areas of the Donetsk and Luhansk regions not under the control of the Ukrainian government in June 2015. The report therefore concluded that "it is crucial to conduct a repeated security assessment under the conditions that freedom of movement is ensured before any deployment of an election-related activity for the upcoming local elections, especially in the conflict-affected areas, could be considered."[19]

Local Elections (25 October/15 November 2015)

Following the 17 July 2015 decision by the Ukrainian parliament to hold local elections on 25 October 2015, the Ukrainian government invited ODIHR to observe these elections. A Needs Assessment Mission (NAM), deployed at the start of August 2015, concluded in its report that "in addition to a core team of experts, considering the complexity of local elections and importance of observing the pre-electoral stages of the process, the OSCE/ODIHR NAM recommends that 100 long-term observers be seconded by participating States. Furthermore, the secondment of 600 short-term observers will be requested from participating States to ensure a wide and balanced geographic coverage of the country for the observation of election day proceedings. The OSCE/ODIHR will observe the local elections in the territories where they are organized under Ukrainian legislation. Once a decision is taken on administrative-territorial units where elections will not be held, the OSCE/ODIHR will adjust its deployment plan accordingly."[20]

The Mission consisted of 17 experts in the capital, and 80 long-term observers deployed throughout Ukraine. On the day of the first round of voting (25 October 2015), some 750 observers from 44 countries were deployed, including 675 long-term and short-term observers deployed by the OSCE/ODIHR, as well as a 57-member delegation from the Congress of Local and Regional Authorities of the Council of Europe (Congress), including 28 observers from the Congress itself, twelve from the Parliamentary Assembly of the Council of Europe, and four from the EU Committee of Regions, and a twelve-member delegation from the European Parliament.

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verlangen volle Bewegungsfreiheit der Wahlbeobachter [Election Monitors Need to Go to Crimea. OSCE Standards Require Complete Freedom of Movement for Election Monitors], in: *Neue Zürcher Zeitung*, 19 May 2015, at: http://www.nzz.ch/meinung/debatte/ standards-nicht-zum-halben-preis-1.18544519.

19   OSCE/ODIHR, *Security Assessment Report*, 15 June 2015 (unpublished).
20   OSCE Office of Democratic Institutions and Human Rights, Ukraine Local Elections 25 October 2015, *OSCE/ODIHR Needs Assessment Mission Report, 5-7 August 2015*, Warsaw, 8 August 2015, p. 3, at: http://www.osce.org/odihr/elections/ukraine/177901.

After the first round, the IEOM noted in its Statement of Preliminary Findings and Conclusions that

> the 2015 local elections were widely viewed as a barometer of the authorities' intentions to maintain the positive standards achieved during the 2014 presidential and parliamentary elections. The elections were competitive, well organized overall and the campaign generally showed respect for the democratic process. Nevertheless, the complexity of the legal framework, the dominance of powerful economic groups over the electoral process, and the fact that virtually all campaign coverage in the media was paid for, underscore the need for continued reform. Additional efforts are needed to further enhance the integrity of and public confidence in the electoral process. The voting and counting process was transparent and orderly overall, despite the lack of clarity in the procedural provisions.
> The elections took place in challenging political, economic, humanitarian and security environment, and against the backdrop of a constitutional reform process aiming at decentralization.[21]

After the second round (15 November 2015), the OSCE/ODIHR EOM noted in its Statement of Preliminary Findings and Conclusions that

> the second round of the mayoral races in Ukraine confirmed the assessment of the 25 October local elections which saw business interests influencing the process in most contests. Many candidates focused their efforts on local coalition building more than on reaching out to voters. There was little active campaigning. In a positive development, debates were organized between the candidates in a number of regions. Frequent and late replacements of Territorial Election Commission (TEC) members raised serious concerns regarding their independence. Lack of confidence in the election administration and the deficient legal framework were at the root of most problems encountered during these elections, highlighting the need for an inclusive reform. Dedicated and capable polling station staff organized voting and counting in a commendable manner.[22]

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21   International Election Observation Mission (IEOM), *Ukraine – Local Elections, 25 October 2015, Statement of Preliminary Findings and Conclusions*, Kyiv, 26 October 2015, p. 1, at: http://www.osce.org/odihr/elections/ukraine/194406.

22   OSCE/ODIHR Election Observation Mission, *Ukraine – Local Elections, Second Round, 15 November 2015, Statement of Preliminary Findings and Conclusions*, Kyiv, 16 November 2015, p. 1, at: http://www.osce.org/odihr/elections/ukraine/200136.

Programmes to Assist Ukraine in Implementing its OSCE Commitments

This section deals with programmes aiming to assist Ukraine in the field of human dimension dialogue, promoting the security of religious or belief communities and in the field of legislative support and rule of law.

Support of the Human Dimension Dialogue

ODIHR's overall task is "to help ensure that OSCE commitments in the human dimension are implemented in the participating States. To that end, it is mandated to gather and analyse factual information […] and to conduct programmes that assist States to develop and uphold a democratic culture that will respect and promote the ideals expressed in those commitments."[23]

ODIHR has come forward to assist Ukraine's reform efforts in a time of crisis and developed a large-scale programme designed to support Ukrainian civil society and key government stakeholders in enhancing multi-stakeholder dialogue and partnerships to address human dimension issues in Ukraine. The programme, entitled "Strengthening the Dialogue among Civil Society and with Key Government Stakeholders in Ukraine on Human Dimension Issues", was developed as the result of various monitoring efforts by ODIHR and after intense consultations between Ukrainian partners (e.g. Ukraine's Human Rights Commissioner) and representatives of ODIHR's five departments. The two-year project was launched at the "Kyiv-Mohyla Academy" National University on 24 April 2015, where Director Link gave a public lecture on the subject of "Civil society, democracy and human rights", which was followed by a panel discussion on the vital role civil society could play as Ukraine takes important steps to advance democracy, protect human rights, and address discrimination.

The key objectives of ODIHR's comprehensive programme in Ukraine are:

- to increase trust between Ukrainian civil society and state stakeholders at local, national, and international levels;
- to strengthen the capacity of Ukrainian civil society to identify, monitor, and report on human rights issues and to advocate for better protection of human rights;
- to ensure closer involvement of civil society in decision-making processes and effective advocacy for democratic governance reforms; and

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23   OSCE ODIHR, *Common Responsibility. Commitments and Implementation, Report submitted to the OSCE Ministerial Council in response to MC Decision No. 17/05 on Strengthening the Effectiveness of the OSCE*, Warsaw, 10 November 2006, p. 57, at: http://www.osce.org/odihr/22681.

-   to enhance the capacity of civil society to identify hate crimes and engage in dialogue with state structures on addressing violence motivated by prejudice.

The programme will be run until December 2016. In 2015 alone, it has brought together more than 600 stakeholders, who have participated in training human rights defenders, sharing good practices on political party legislation reform, conducting research on parliamentary ethics, supporting the collection of hate crime data, and assessing the impact of legislation on human rights. The programme also aims to foster co-operation between Russian and Ukrainian civil society on addressing pressing human rights issues and promoting peace and understanding in the region.

One part of the project focuses on enhancing the political participation of women. Since September 2015, ODIHR has served as a facilitator for the formation of an informal "Women's Lobby" network, by uniting prominent NGOs, members of parliament, and gender advocates to develop a set of recommendations for advancing women's political participation in Ukraine in line with OSCE commitments.[24] While there are many actors in the field on the governmental and non-governmental side, their efforts have often not achieved all that they could due to a lack of co-ordination or simply a lack of capacities necessary for ongoing co-ordination of their work.

Promoting the Security of Religious or Belief Communities

In January 2015, ODIHR began the implementation of a project aimed at promoting the security of religious or belief communities in the regions of Ukraine. The project is aimed at building the capacity of civil society, religious or belief communities, and relevant state institutions to implement international standards on freedom of religion or belief, identify and respond to hate crimes, and promote dialogue among confessions, religions, and between the state and religious or belief communities. Implementation is taking place in two pilot regions, and is based on three main pillars:

-   seminars on freedom of religion or belief and hate crimes for local and regional authorities, staff from regional ombudsperson offices, prosecutors and police, civil society, and religious or belief communities in Odessa, Vinnitsa and Kyiv;
-   training on hate crimes for law enforcement officials; and

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24 The 2004 OSCE Action Plan for the Promotion of Gender Equality specifically tasks ODIHR with "assist[ing] participating States in promoting women's political participation" and "developing effective measures to bring about the equal participation of women in democratic processes." Organization for Security and Co-operation in Europe, Ministerial Council, Sofia 2004, *Decision No. 14/04, 2004 OSCE Action Plan for the Promotion of Gender Equality*, MC.DEC/14/04, 7 September 2004, Annex, p. 12, at: http://www.osce.org/mc/23295.

- promoting dialogue among the representatives of these groups, at both the national and regional level, through roundtables and conferences.

Nine events attended by 349 participants had been held by September 2015. ODIHR was involved in a national meeting on co-operation between state institutions responsible for the implementation of policy on religion and freedom of religion or belief (heads of local departments dealing with matters related to religion, nationalities and language policy) in Kyiv. ODIHR also organized a regional roundtable for religious or belief communities, civil society, regional state authorities, representatives of the Ukrainian Parliament Commissioner for Human Rights, and international and national experts on freedom of religion or belief on "The Role of Dialogue in Enhancing the Security of Religious and Belief Communities" in Vinnitsa.

In December 2015, ODIHR and the ministry of culture jointly organized a national meeting of religious and belief communities that gathered 160 participants. The goal was to explore the prerequisites for effective, meaningful, sustained, and inclusive dialogue and to discuss the current state of interfaith dialogue in Ukraine and the prospects for future development. This can be considered as a substantial contribution to fostering national dialogue in Ukraine. In 2016, ODIHR will be active in further facilitation of dialogue between the Orthodox churches of the Kyiv and Moscow patriarchates.

Legislative Support/Rule of Law

Following official requests from both the government of Ukraine and the Verkhovna Rada, ODIHR has reviewed draft laws on human dimension issues to assess their compliance with OSCE commitments and international human rights standards. The objects of the laws subject to review in this way have included political party and election campaign funding (jointly with the Council of Europe and its Venice Commission), anti-corruption activities, the independence of the judiciary, the powers and the structure of the police, and cybercrime. All are available to the public via ODIHR's legislative database website, www.legislationline.org. ODIHR continues to support Ukrainian lawmakers and other stakeholders involved in the legislative process in areas such as policy-making, legislative planning, public consultation, and the evaluation of legislation.

In the field of rule of law, ODIHR focused on trial-monitoring training workshops for NGO representatives with the aim of strengthening the capacity of Ukrainian civil society actors to conduct trial monitoring to assess how well the right to a fair trial was respected in the country. The workshops dealt with trial-monitoring methodologies and specific aspects of the right to a fair trial. Based on ODIHR's trial-monitoring methodology and wealth of practical experience with the conduct of trial-monitoring programmes across

the OSCE region, the workshops, conducted by ODIHR staff, were tailored to the needs and priorities of selected Ukrainian NGOs involved in various forms of trial/court monitoring and other human rights work related to the Ukrainian courts. The aims of the workshops were to strengthen the participants' knowledge of trial monitoring as a tool and to help them reflect on strategic approaches and best practices in this area. Discussions during the workshops highlighted the challenges monitors currently face in Ukraine in gaining physical access to courtrooms, which is a result of the high level of mistrust some judges have towards any public scrutiny of their work. So far, trial monitoring has not been conducted on a large scale in Ukraine and it will therefore be crucial to increase the awareness of the judiciary, civil society, and the wider public of the right to a fair and public trial and the potential benefits of trial monitoring processes.

Hans-Joachim Schmidt

The Link between Conventional Arms Control and Crisis Management

Introduction

The unexpected Russia-Ukraine crisis has shown that new violent conflicts can arise in Europe very suddenly. But the existing conventional arms-control regimes (Treaty on Conventional Armed Forces in Europe, CFE Treaty; Vienna Document, VD; and Treaty on Open Skies) are currently not well suited to contributing to crisis management in such conflicts for several reasons: First, these regimes are agreements between states and cover only interstate conflicts. Yet the majority of new violent conflicts start as domestic conflicts and very often involve non-state actors who possess military means. Domestic conflicts and non-state actors are usually not included in interstate agreements.[1] Second, the current arms-control regimes were primarily created to support and preserve peaceful relations between states, and are less suited to stabilize a crisis, limit escalation or damage in a conflict, or strengthen disarmament and control of armed forces in a post-conflict situation. The term "crisis" is not mentioned in the text of the CFE Treaty. The same is true of the Vienna Document, though Chapters III (risk reduction) and X (regional measures) of the latter do contain measures that could be used in crisis situations.[2] The preamble of the Open Skies Treaty mentions that this regime could be further strengthened "for conflict prevention and crisis management" though this has so far not been realized.[3]

The Role of Arms Control in Crisis Situations

Arms control cannot prevent military conflict if one party is willing to use force to enforce its goals. However, arms control does create an additional

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1   The catalogue of measures contained in the 1993 document "Stabilizing Measures for Localized Crisis Situations" is a rare exception, as it also offers the opportunity to include non-state actors in such agreements. However, this opportunity has never been used. Cf. OSCE Secretariat, Conflict Prevention Centre/Operations Service, *Summary of OSCE Mechanisms and Procedures,* SEC.GAL/120/08, 20 June 2008, pp. 9-10, at: http://www.osce.org/cio/32682.

2   The Vienna Document 2011 contains the following measures in chapter III: a) Mechanism for Consultation and Co-operation as regards unusual Military Activities, b) Co-operation as regards Hazardous Incidents of a Military Nature, and c) Voluntary Hosting of Visits to Dispel Concerns about Military Activities. Cf. Organization for Security and Co-operation in Europe, *Vienna Document 2011 on Confidence- and Security-Building Measures*, FSC.DOC/1/11, 30 November 2011, pp. 12-14, at: http://www.osce.org/fsc/86597.

3   *Treaty on Open Skies*, p. 1, at: http://www.osce.org/library/14127.

barrier against war. It can contribute to preventing violent conflict in cases of unintended mishaps, misunderstandings, and failures in crisis situations where all or nearly all of the involved parties do not want to use military force. Crisis management can be divided into four phases:

- early warning;
- prevention of violent conflict/war;
- stabilization of military conflict through damage limitation, de-escalation, and the establishment of a ceasefire; and
- post-conflict stabilization by strengthening an armistice through a disarmament process and its verification.

In principle, arms control and CSBMs can enhance communication, transparency, and predictability and alleviate tensions, thereby reducing ambiguities in all four phases, but only under the premise that all parties involved support a common political settlement of a military conflict.

During the early-warning phase, arms control can provide very timely additional indicators that raise transparency and predictability regarding the possible use of military means, even where a war cannot be prevented.[4] Depending on the circumstances, the degree of non-compliance and non-implementation of one or more of the three existing arms-control regimes can be used as early warning instruments for impending military conflicts.

These additional indicators can help prevent the use of military means and are indispensable instruments for the second phase of war prevention in a crisis. Here, arms control and CSBMs provide additional communication lines between potential adversaries.

The greatest scepticism about the value of arms control concerns the third phase, in which violence and the use of military means become a part of the conflict. Many say that arms control is no longer possible in this phase, as inspectors' lives would be at risk in areas of fighting, and the norms, constraints, rules, and procedures of an arms-control regime are no longer respected by the parties to the conflict, particularly if non-state actors are involved.[5] Arms control no longer seems possible in a highly confrontational politico-military environment.

On the other hand, depending on the development of a violent conflict and on the political will of the conflict parties, there may be interest in damage limitation and preventing escalation; after all, violence has to stop at some point, and it cannot be brought to an end without some informal or formal arms-control and disarmament measures. These measures are usually not provided by existing regimes, but rather in the form of arrangements de-

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4   I would like to thank Wolfgang Richter for clarifying this point.
5   Cf. Hans-Jürgen Hugenschmidt, Rüstungskontrolle – Ein Beitrag zum Krisenmanagement [Arms Control – A Contribution to Crisis Management], in: Götz Neuneck/Christian Mölling, (eds), *Die Zukunft der Rüstungskontrolle* [The Future of Arms Control], Baden-Baden 2005, pp. 72-88, here: pp. 80, 83-84.

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signed to suit the specific crisis situation and adapted to the parties involved and the military means and structures used.[6] By contrast to existing regimes, such measures also provide a better chance of including non-state actors. An example here is the creation of the Special Monitoring Mission to Ukraine (SMM) by the Permanent Council of the Organization for Security and Co-operation in Europe (OSCE)[7] and the negotiation of the two Minsk ceasefire agreements for eastern Ukraine.

In the phase of post-conflict stabilization, an arms-control agreement is always part of efforts to support the ceasefire and disarmament efforts. Arms control can thus contribute to three of the four phases of crisis management. During the phase of fighting, its role generally depends on specific political initiatives designed to limit damage and escalation and to stop military violence.

Experience with Existing Arms-Control Regimes in Previous Crisis Situations

The Mechanism for Consultation and Co-operation as Regards Unusual Military Activities in Chapter III (Risk Reduction) of the Vienna Document was first invoked in 1991 by Austria and Italy, who were concerned about the deployment by the Socialist Federal Republic of Yugoslavia of armed forces in Slovenia close to their borders.[8] But the answer provided by Yugoslavia was not really helpful, since it evaluated these hostilities as a domestic conflict and therefore offered little to calm the security concerns of its neighbours. Up to the war in Georgia in 2008, this mechanism had been used seven times, in most cases not to the satisfaction of the requesting parties.

After the 1995 Dayton Peace Agreement, the Agreement on Sub-Regional Arms Control between the Federal Republic of Yugoslavia (Serbia and Montenegro), Croatia, and Bosnia and Herzegovina and the Agreement on Confidence- and Security-Building Measures in Bosnia and Herzegovina successfully contributed to post-conflict stabilization through additional communication, military transparency, predictability, and disarmament in this area. However, these two agreements were enforced and not based on voluntary political will.

In 1999, Russia and Belarus used CFE and VD inspections in a co-ordinated way to verify the military preparations being undertaken by NATO countries before the Kosovo war. NATO countries allowed this as a kind of

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6   I would like to thank Andrei Zagorski for his assistance in developing this line of thought.
7   Cf. Organization for Security and Co-operation in Europe, Permanent Council, *Decision No. 1117, Deployment of an OSCE Special Monitoring Mission to Ukraine*, PC.DEC/1117, 21 March 2014, at: http://www.osce.org/pc/116747.
8   Cf. *Summary of OSCE Mechanisms and Procedures.*cited above (Note 1), pp. 7-8. This mechanism was invoked three times during the Yugoslavian crisis in 1991 and 1992 by Austria, Italy, Hungary, and Yugoslavia, once before the Kosovo war in 1999 by Belarus, and three times before the war in Georgia 2008 by Georgia and Russia.

"confidence-building measure", although US forces initially feared that it might impose constraints on their operational room to manoeuvre. In 2000, Russia invited an inspection under the VD with Moscow's military protection to Grozny during the ongoing second war in Chechnya. This somewhat reduced Western criticism that Russia had unilaterally excluded the Caucasus area from inspections since 1996. In 2001 and 2002, after the end of the second war in Chechnya, the CFE verification mechanism was used by Western countries in a co-ordinated way to verify whether Russia was once again complying with its CFE flank limits.[9] Before the war in Georgia in 2008, an Open Skies flight in April and a CFE inspection in June in Georgia indicated unusual military preparations, but these were not taken seriously. In July 2008, after an incident between Georgia and South Ossetia, an OSCE mission arranged an exchange of prisoners and reduced tensions temporarily, but such efforts ultimately failed.

These experiences show that the existing regimes tend to have only a minor impact on crisis management and have been unable to prevent the use of military means in a single instance. Any trust they have built between the parties involved has been partial and limited, and tensions have only been reduced temporarily. The Sub-Regional Arms Control Agreement is the only exception here.[10] It successfully helped to stabilize relations among Croatia, Serbia, and Bosnia and Herzegovina in the post-conflict phase. Many of these violent conflicts initially started as domestic conflicts with the strong involvement of non-state actors. Here, interstate arms control and CSBM measures are usually difficult to apply.

Current Experience in and around Ukraine

More recently, the Russia-Ukraine conflict has offered a new opportunity to use arms control and CSBMs as tools for increasing transparency and accountability and to reduce tensions, again, so far, with mixed results:

Some Good News

Throughout the crisis, all the European arms-control regimes continued to operate outside the areas of new and old unresolved territorial conflicts. The prevention by irregular forces on the Crimean peninsula of an inspection mis-

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9   Contrary to the statement made by Prime Minister Vladimir Putin on 1 November 1999, Russia did not provide additional information on its forces in the flank areas, nor did it allow additional inspection quotas to enable verification of its claims.

10   Though it should also be mentioned that, after the Dayton Peace Agreement, three Open Skies missions were also conducted over Bosnia and Herzegovina, with the participation of the three entities, to support the process of military post-conflict stabilization: a Hungarian flight in June 1997, a German one in August of that year, and a Russian flight in July 1998. Cf. Hugenschmidt, cited above (Note 5), p. 85.

sion under Chapter III (visit to dispel concerns about unusual military activities) of the Vienna Document 2011, due to commence on 5 March, was an early indication that something had gone wrong in this specific area.[11] Ukraine volunteered to allow additional CFE and VD inspections (under Chapters III and X of the latter), to be paid for by the inspecting parties, to strengthen transparency and Kyiv's sovereignty. Early in the crisis, up to the presidential elections of May 2014, Western countries used these instruments as political means to support Ukraine's sovereignty and territorial integrity. The VD inspections further indicated that major Russian military manoeuvres, conducted in parallel outside the conflict area, were not directed against other countries. The Treaty on Open Skies, which allows for 42 observation flights over Russian territory and twelve over Ukrainian per year, was also used to increase military transparency to some degree. Russia even accepted a prepaid voluntary Open Skies flight by Ukraine in March 2014, but was no longer prepared to allow such measures after the suspension of the NATO-Russia Council in April 2014.

Some Bad News

The contribution of the Vienna Document to early warning and military conflict prevention was limited because the thresholds for the notification and observation of military activities under the Vienna Document are still oriented towards a Cold War military posture and not the current military structures.[12] They are therefore too high to provide sufficient early-warning indicators in the initial phase of a conflict, and the verification and evaluation measures allowed per year and country are too low to provide sufficient transparency during a long-term military conflict. The Vienna Document permits only three inspections of military activities per year and country, with two additional evaluation visits in Russia and in Ukraine. Even if military activities reach the thresholds for notification and observation, this can easily be circumvented by the misuse of the single command rule: Military activities must only be reported and may only be observed if they reach the thresholds under a single command. It is a common practice of many countries to subordinate major units involved in such activities to different commands, thereby keeping them below the thresholds. Furthermore, the permitted number of four inspectors may be sufficient for peacetime needs, but is

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11 For further details, cf. Organization for Security and Co-operation in Europe, *OSCE response to the crisis in and around Ukraine (as of 1 June 2015)*, pp. 7-8, at: http://www.osce.org/home/125575.

12 Thresholds for notification (divisional level) are as follows: 9,000 troops, including support; 250 tanks, 250 artillery pieces, or 500 armoured combat vehicles; 200 air sorties; 3,000 troops involved in an amphibious landing, heliborne landing, or parachute assault activity. Thresholds for observation (corps level) are: 13,000 troops, including support; 300 tanks, 500 armoured combat vehicles, or 250 artillery pieces; 3,500 troops carrying out an amphibious landing, heliborne landing, or parachute assault activity. Cf: *Vienna Document 2011*, cited above (Note 2), pp. 20, 24.

too low in crisis situations. Finally, where unusual military activities are repeated and meetings are called to clarify them, nothing is done to reduce tensions if the responding party is unwilling to participate in these meetings.

During the current crisis, it was only possible to carry out CFE inspections on Ukrainian territory, as Russia had suspended the implementation of the CFE Treaty in December 2007. As a result, this regime could not be used for early warning or transparency measures relating to Russian forces operating nearby the border of eastern Ukraine. If the adapted CFE Treaty had been ratified by all States Parties and had entered into force, it would have offered a further 30 inspections per year on Russian territory. Unfortunately, Kyiv has not complied with all of its CFE obligations since March 2014.[13] This has further weakened the outdated CFE regime.

After Ukraine started its offensive against separatist forces in eastern Ukraine in April 2014, the separatists soon stopped all regular international verification activities in this area, by taking hostage a VD inspection team, led by Germany, together with its Ukrainian escort team, whom they held from 26 April to 3 May. The separatists feared that, after the outbreak of fighting, the verification measures would be used to conduct reconnaissance against their forces. In addition, since the illegal annexation of the Crimea in March 2014, the peninsula has been completely excluded from arms control and CSBMs for status reasons.

Nor are Open Skies observation flights well-suited for enhancing transparency and accountability in situations such as the present crisis. Observation flights over areas of military concern using parallel flight paths are currently not permitted, and the time for national evaluation and interpretation of the flight pictures is based on peacetime needs and not on the much more rapidly moving needs in a crisis.[14] In addition, the downing of a Malaysian civil passenger plane (flight MH17) demonstrated very clearly the high risks of Open Skies observation flights over an active conflict area.

Because of the growing tensions, both sides misused some inspections in order to make one-sided, politicized statements that were to their own advantage. This could undermine the validity and integrity of arms control and CSBM measures.[15] It is therefore necessary not only to discuss future im-

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13   Since March 2014, Ukraine has stopped the regular notification of military changes, and the information exchange at the end of the year 2014 (for 2015) mostly contained the previous years' figures. There may be several reasons for this behaviour: Kyiv wanted to show that the Crimean peninsula and the Luhansk and Donetsk regions are still part of Ukraine, while also avoiding giving Russian and separatist forces further information about their actual strength and restructuring. Another reason could be that Ukraine is currently unable to provide up-to-date figures.

14   Usually up to three weeks are necessary to assess and evaluate the images captured during an Open Skies mission.

15   See, for example, Statement by the Delegation of the Russian Federation, in: Organization for Security and Co-operation in Europe, Forum for Security Co-operation, *771st Plenary Meeting of the Forum*, FSC.JOUR/777, 19 November 2014, Annex 1, at: http://www.osce.org/fsc/128251.

provements of the means, but also new procedures and rules that would lower the risk of possible misuse in future crises.

Nevertheless, the establishment of the SMM in March 2014 has helped to maintain communication between the adversaries, to provide additional transparency in this area, and has contributed to damage limitation and escalation control.[16] The SMM has tried as much as possible to verify the obligations (stopping the fighting, providing information about all forces and their deployments, withdrawal of heavy weapons behind certain lines, gathering them in certain holding areas) of the Minsk ceasefire agreements. In contrast to regular arms-control inspections, SMM monitors are not escorted by Ukrainian officials. As impartial monitors, they omit all relevant information from their reports that could be used by the parties to the conflict to gain a military advantage in the area. In principle, the SMM would be able to verify the Minsk agreements, provided they had unhindered access to all locations, and could be supplied with well-trained experts, the necessary observation equipment, and the relevant information from the parties to the conflict. However, so far the SMM still lacks full access to all locations, the well-trained personal, the equipment, and the necessary information from the parties. It is therefore no surprise that the SMM has only been able to partially fulfil its mission in this area up until now. Should the armistice prove stable, the questions will arise of how far regular arms-control and CSBM measures can be re-established in eastern Ukraine and how far they can contribute to post-conflict stabilization.

Another aspect of this crisis is that tensions, mistrust, and confrontation have grown between NATO countries and Russia. Both have increased the scope and frequency of their military activities as a result. This has further reduced transparency, predictability, and stability between them, due to the weaknesses of the VD inspections as outlined above. Russia appears to be using out-of-garrison snap exercises to demonstrate its military strength, thereby exaggerating Western threat perceptions, while the US seeks to use its activities to demonstrate Russian inferiority, thereby exaggerating Russian threat perceptions.[17] This promotion of misperceptions facilitates a vicious circle of growing mistrust and confrontation. This makes it an urgent matter to improve the measures available under the VD in order to provide more transparency and predictability for such activities for the overall benefit of security and stability in Europe.

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16 For further details, cf. Claus Neukirch, The Special Monitoring Mission to Ukraine in Its Second Year: Ongoing OSCE Conflict Management in Ukraine, in this volume, pp. 229-239; Claus Neukirch, The Special Monitoring Mission to Ukraine: Operational Challenges and New Horizons, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 2014*, Baden-Baden 2015, pp. 183-197

17 Cf. Thomas Frear/Ian Kearns/Łukasz Kulesa, *Preparing for the Worst: Are Russian and NATO Military Exercises Making War in Europe More Likely?* ELN Policy Brief, August 2015.

There are four major areas where improvements seem necessary. First, the ability of the SMM monitors to verify the armistice needs to be improved. This requires comprehensive access, better equipment, and more experts, as well as all the necessary information from the conflict parties about their forces and their deployments.[18] A permanent ceasefire is a precondition for further arms-control and CSBM measures. Second, a priority should be increasing transparency regarding out-of-garrison military activities and concentrations of land forces near borders, for instance, by improving communication, early-warning indicators and transparency in crisis situations, and/or focusing on tension reduction and transparency between NATO countries and Russia. A more comprehensive approach would be too complex and time-consuming. Third, as a supplementary institutional measure, either the OSCE Secretary General or the Chairperson-in-Office could be given the right to initiate fact-finding missions autonomously and in co-operation with the potential conflict party, in cases where tensions between or within states might lead to the use of violence. This would enhance communication, early warning, and transparency and could contribute to the prevention of violence. The question here is whether the OSCE participating States would support such an institutional strengthening of the OSCE. Fourth, the negotiation of more complex measures for early warning and transparency in crisis situations within the context of a new conventional arms-control agreement and the modernization of the Vienna Document seems to be more of a long-term effort under the present political conditions. Currently, Russia is linking the modernization of the Vienna Document to parallel negotiations on conventional arms control.

Next year, Germany will have the Chairmanship of the OSCE, and the Vienna Document 2011 is due to undergo its first revision.[19] This offers an opportunity to test how far initial immediate measures can be realized for the improvement of communication, early warning, and transparency in crisis situations, and/or for tension reduction and more transparency between NATO countries and Russia. Measures to improve performance in crisis situations should concentrate on establishing a new mechanism under Chapter III that would allow additional inspections beyond the annual quota in areas of special concern if the mechanism for consultation and co-operation does not provide adequate clarification or fails. This mechanism should in-

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18   On 12 March 2015, the Permanent Council extended the mission to 31 March 2016 and doubled its strength from 500 to 1,000. But even this increase is not enough as long as fighting continues. Cf. Organization for Security and Co-operation in Europe, OSCE Special Monitoring Mission to Ukraine, *OSCE Chief Monitor in Ukraine welcomes the extension to the Special Monitoring Mission's mandate*, Kyiv, 13 March 2015, at: http://www.osce.org/ukraine-smm/145001. SMM members also now receive better training and a handbook to help them recognize the major weapon systems of the parties to the conflict.

19   Cf., *Vienna Document 2011*, cited above (Note 2), p. 2, para. 6.

clude the right to employ more inspectors (including support personnel) and to stay over a longer time in such areas. It should also allow follow-on inspections if necessary. Russia and Western countries proposed such a mechanism for the modernization of the Vienna Document in 2011.[20] Missions of this kind could be supplemented by the right of the OSCE (Secretary General or Chairperson-in-Office) to conduct independent fact-finding missions in cooperation with the state(s) concerned to further clarify the situation (see above).

In order to reduce tensions, mistrust, and confrontation between Russia and NATO countries and to enhance military transparency, the thresholds for notification and observation of military activities in the Vienna Document should be further lowered and adapted to current military structures, while the annual quotas for inspections should be significantly increased.[21] The thresholds should therefore not only cover regular active and support units, but also logistical and command elements. Volunteer military units, contracted private forces, and paramilitary forces of the interior ministry should also be counted if they take part in relevant military activities. The "single command" rule for such military activities should be replaced by a new rule that would reduce the risk of circumvention. Thresholds for notification of military activities should be lowered to a point between battalion and brigade/regiment level and those for observation to somewhere between brigade/regiment and divisional level.

However, for negotiations in this direction to succeed, it would be necessary for Russia to temporarily shift its priority from conventional arms control to the modernization of the Vienna Document. The conditions that would make such a shift possible need to be clarified. Certainly, the fighting in Ukraine would have to have stopped permanently and Western sanctions to have been largely lifted.

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20 Russia proposed the mechanism of a "Special OSCE Inspection" on 27 July 2011, and Western countries (the Netherlands et al.) proposed a mechanism known as the "OSCE Inspection for Clarification on Military Activities Giving Rise to Concern" (FSC.DEL/127/11 and FSC.AIAM/12/11/Rev.4, respectively). The Russian proposal reserves the right of stronger control by an individual state as the activation of the proposed measure and the nomination of the inspector team would need the approval of the FSC. Additionally, under the Russian proposal, only several states – and not one individual state as is currently the case – could express their security concerns about unusual military activities. Russia raises the qualification further by linking significant military activities to the preparation of offensive military operations. There are additional differences in detail, but both proposals allow more inspectors and follow-on inspections.

21 Cf. Wolfgang Richter, *Rüstungskontrolle und militärische Transparenz im Ukraine-Konflikt* [Arms Control and Military Transparency in the Ukraine Conflict], SWP-Aktuell 2014/A 59, September 2014, pp. 3-4.

P. Terrence Hopmann

The OSCE's Contrasting Roles in Managing the Ukraine/Crimea Crises in 1992-96 and 2014-15

Introduction

The crisis that erupted in Ukraine in 2014 brought about a change of government in Kyiv, a Russian move into the previously autonomous Ukrainian region of Crimea and its transfer to the Russian Federation, and finally the outbreak of violence by rebels in eastern Ukraine, who also sought separation from the Ukrainian state and closer ties with Russia. These were widely interpreted as novel and unexpected events within post-Soviet space. However, a similar crisis occurred immediately following the breakup of the Soviet Union in December 1991, which, after extensive negotiations led by the Conference on Security and Co-operation in Europe (CSCE, as the OSCE was called before 1995), was resolved peacefully. The Russian government agreed to recognize the territorial integrity of Ukraine, including Crimea, in exchange for Ukraine's decision to give up the Soviet-era nuclear weapons that remained on its territory and to join the Nuclear Non-Proliferation Treaty as a non-nuclear-weapon state. Furthermore, the governments of Ukraine and of Crimea co-ordinated their constitutions in order to grant Crimea deep autonomy within Ukraine, while Russia accepted Crimea's status as an integral part of Ukraine. This peaceful settlement represented a significant accomplishment for post-Cold War preventive diplomacy.[1] After almost 20 years of relatively peaceful relations, this agreement fell apart in early 2014. Although the OSCE once again engaged as the primary international actor, it entered only after the crisis had escalated, and mostly in a monitoring rather than a peace-making role.

These two similar crises, essentially involving the same actors (albeit with different individuals in position of political authority) across a period of almost two decades, provide an opportunity to analyse what accounts for the difference in the management and outcomes in these two cases.

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1   Cf. P. Terrence Hopmann, Disintegrating States: Separating Without Violence, in I. William Zartman, *Preventive Negotiation: Avoiding Conflict Escalation*, Lanham, MD, 2001, pp. 113-164.

The Crimean Conflict, 1992-96

Origins of the Conflict over Crimea

Ukraine was a feudal state throughout the Middle Ages, and at various times came under Polish, Tatar, Ottoman, and Russian influences. In 1654, its leaders accepted the overlordship of the Russian Tsar, and it gradually became incorporated into the Russian Empire. After World War I and the Russian Revolution, Ukraine was incorporated into the Soviet Union as the Ukrainian Soviet Socialist Republic (UkSSR) in 1919, and it remained one of the 15 Union Republics of the USSR until December 1991, when the USSR was dissolved and replaced by the Commonwealth of Independent States (CIS). The international community recognized the independence of all 15 Union Republics, the highest administrative subdivision within the USSR, and all 15 were admitted into the CSCE in early 1992 within their territorial boundaries from Soviet times. In Ukraine, tensions appeared immediately between the western regions, where Ukrainian nationalism was influential, and the eastern regions, especially in the industrialized Donbas basin near the border with the Russian Federation, where economic integration with the Soviet Union and the prevalence of Russian language and culture were more strongly present. In the eastern industrial town of Donetsk, worker protests broke out as early as 1993 due to worsening economic conditions.

The greatest tensions, however, occurred in Crimea, which was conquered by Russia under Catherine the Great in 1783, ending a long period of control by the Ottoman Empire. It was the homeland of the Crimean Tatars, a predominantly Islamic people who speak a Turkic language; they were deported to Central Asia in 1944 by Stalin for allegedly collaborating with the Nazi forces that had occupied Crimea. These Tatars presently claim the status of an "indigenous people" of Crimea. Crimea remained part of the Russian Soviet Federative Socialist Republic (RSFSR) within the Soviet Union until 1954, when it was transferred to Ukraine by Nikita Khrushchev to mark the 300th anniversary of Ukraine's incorporation into the Russian Empire. It subsequently retained the status of an oblast, but within the UkSSR. In fact, this transfer from one Union Republic to another had little, if any, significant impact on its residents at that time.

With the breakup of the Soviet Union appearing to be inevitable, a referendum was held in Crimea in January 1991 in which 93 per cent of those who voted supported the creation of an Autonomous Republic within the Soviet Union outside Ukraine. When the Soviet Union was dissolved, the oblast of Crimea, with a population that was about 70 percent ethnic Russian, suddenly found itself within the jurisdiction of an independent and sovereign Ukraine. Russians, who had identified with the powerful majority of the former Soviet Union, became a minority within a new state with which they had little or no sense of identification.

The crisis between a newly independent Ukraine and Crimea developed rapidly. A citizens' movement of ethnic Russians opposed to Crimea's status as part of an independent Ukraine began to organize in the spring of 1992. Fuel was added to the fire when the Russian Supreme Soviet adopted a resolution proclaiming that the transfer of Crimea to Ukraine in 1954 lacked legal force. At first, Ukraine's leadership agreed to grant Crimea full political autonomy without territorial separation as well as more economic rights vis-à-vis the government in Kyiv. However, Crimeans began to press for even greater concessions from Ukraine, which in turn caused Ukrainian nationalists to insist that Crimea be recognized as an integral part of Ukraine. In May 1992, Crimea adopted an Act of State Independence and a constitution proclaiming the Republic of Crimea to be a sovereign state. A referendum was called for August 1992 to ratify the declaration of independence. The Supreme Council of Crimea proposed to negotiate treaty arrangements with Ukraine on an equal footing. The Ukrainian *Verkhovna Rada* (parliament), however, ordered the Crimean declaration annulled. Subsequently, the *Verkhovna Rada* passed a new law delineating the division of power between Ukraine and Crimea, and Crimea's leaders agreed in return to drop the referendum on independence. This modus vivendi ended the immediate crisis but did not resolve the underlying issues.

The situation in Crimea was complicated by a dispute between Russia and Ukraine over the status of the Black Sea Fleet based in the port city of Sevastopol. After the dissolution of the Soviet Union, both Russia and Ukraine claimed possession of the fleet, the pride of the former Soviet navy. Following bilateral negotiations the fleet was divided, and Ukraine "sold" some of its share to Russia in exchange for the forgiveness of debts accumulated by Ukraine, primarily for energy imports. Russia later leased a portion of the base for 50 years from Ukraine to be used by its navy.

Further complicating the situation, in 1989 Mikhail Gorbachev had permitted approximately 250,000 Crimean Tatars to return to their original homeland. Most encountered difficulty finding jobs and housing, hindering their peaceful integration into Crimean society. The Tatars sought effective participation through guaranteed proportional representation in political bodies, the restoration of their language and culture throughout the region, rights to historic lands, and functional autonomy on issues such as education and social affairs.[2]

President Leonid Kravchuk of Ukraine appointed a special representative to Crimea to pursue negotiations at the grassroots level in January 1993. The Russian State Duma aggravated the situation in July by declaring Crimea to be part of the Russian Federation, a claim never supported by the government of President Boris Yeltsin. However, Crimea's status as an integral part

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2   Cf. John Packer, Autonomy Within the OSCE: The Case of Crimea, in: Markku Suksi (ed.), *Autonomy: Applications and Implications*, The Hague 1998, pp. 295-316, here: p. 315.

of Ukraine was confirmed in the tripartite treaty among Ukraine, Russia, and the United States concerning Ukrainian participation in strategic arms control, renunciation of nuclear weapons, and entry into the Nuclear Non-Proliferation Treaty as a non-nuclear-weapon state.

In elections held in January 1994, Yuri Meshkov, a pro-Russian nationalist who headed the "Rossiya" bloc advocating unification of Crimea with Russia, was elected the first president of Crimea with 73 per cent of the vote. Reports of possible intervention by armed Russian Cossacks in support of the outcome of the elections circulated widely throughout Crimea. Immediately upon assuming office, Meshkov set out on a confrontational path, and the Crimean parliament declared that Crimea was not subject to Ukrainian sovereignty.[3]

OSCE Engagement

The CSCE first became involved in Crimea in late 1993, when the High Commissioner on National Minorities (HCNM), Max van der Stoel, opened contacts with Ukrainian authorities regarding the status of ethnic Russian populations in various parts of Ukraine. In May 1994, Ambassador van der Stoel visited Donetsk in the Donbas region of eastern Ukraine, and Simferopol, capital of Crimea. Afterwards, he wrote to Ukrainian Foreign Minister Anatoly Zlenko, recommending a settlement that would "reaffirm the need to maintain the territorial integrity of Ukraine, but which, on the other hand, would contain steps to resolve various issues concerning the implementation of the formula of substantial autonomy for Crimea, especially in the economic field".[4] Zlenko replied by agreeing to most of van der Stoel's recommendations, while noting that the decision by the Crimean parliament violated the Ukrainian constitution. He stated bluntly: "This illegal decision provoked by the irresponsible policy of the present leadership of the Crimea and aimed at undermining the constitutional order of Ukraine and its territorial integrity cannot be qualified other than an obvious attempt by separatist forces to put the internal political stability of Ukraine at risk and provoke tension in the relations between Ukraine and Russia."[5]

Partly on the basis of the report of the HCNM to the CSCE's Committee of Senior Officials in August 1994, the CSCE created a mission of long duration to Ukraine, with a focus on Crimea. In November this mission opened its headquarters in Kyiv and a regional office in Simferopol. Its mandate included: "[…] providing objective reporting […] on all aspects of the situation

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3   Cf. Natalie Mychajlyszyn, The OSCE in Crimea, in: *Helsinki Monitor* 4/1998, pp. 30-43, here: pp. 30-32.

4   Cf. *Letter from Ambassador Max van der Stoel to Foreign Minister Anatoly Zlenko*, 15 May 1994, OSCE Ref. Com no. 23.

5   *Letter from Foreign Minister Anatoly Zlenko to Ambassador Max van der Stoel*, 7 June 1994, OSCE Ref. Com no. 23.

in the Autonomous Republic of Crimea (Ukraine), or factors influencing it, and efforts towards the solution of its problems; […] to facilitate the dialogue between the central Government and the Crimean authorities concerning the autonomous status of the Republic of Crimea within Ukraine; […] preparing reports on the situation of human rights and rights of persons belonging to national minorities in the Autonomous Republic of Crimea (Ukraine) […]".[6] The limited mandate permitted the CSCE's Mission to Ukraine only to facilitate negotiations rather than engaging in active mediation or other measures of preventive diplomacy. The CSCE Head of Mission, Andreas Kohlschütter of Switzerland, warned against the consequences that could ensue if external parties were to interfere in the situation, presumably referring to possible actions by political and military authorities in the Russian Federation in support of the ethnic Russian community in Crimea and eastern Ukraine. In this vein he argued for the CSCE to promote dialogue and to introduce a voice of "moderation and compromise into the decision-making process on all sides," which constitutes the essence of "quiet and preventive diplomacy."[7]

As a result of rising tensions between the Russian community in Crimea and the government in Kyiv in the spring of 1995, the HCNM became engaged as a "go-between" in an effort to help the parties bring their constitutions into conformity with each other. He employed an innovative conflict resolution approach often called "seminar diplomacy", in which political officials from the contending parties and experts from other participating States engaged in "seminars" to discuss possible solutions for the conflict in a non-confrontational manner.[8] HCNM van der Stoel organized a conference in Locarno, Switzerland, on 11-14 May 1995, which came on the heels of an announcement by the Crimean parliament of its intention to hold a referendum on the reinstatement of the 1992 constitution. As a result of the Locarno conference, the HCNM proposed a formula intended to head off escalating tensions, suggesting that the Crimean authorities cancel the referendum and recommending that parallel constitutions of Crimea and Ukraine be negotiated that would grant Crimea irrevocable autonomy in many key areas, a right to appeal to the Ukrainian Constitutional Court if it considered that Ukrainian legislation infringed on its autonomy, while also acknowledging Crimea's status as an Autonomous Republic within the state of Ukraine. He proposed that the parliaments of Ukraine and Crimea create "an organ of conciliation with the task of suggesting solutions to differences arising in the course of

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6   Organization for Security and Co-operation in Europe, Secretariat, *Survey of OSCE Long-Term Missions and other OSCE Field Activities*, Vienna, 7 October 1997, p. 19.
7   Ibid., p. 10.
8   Cf. Emanuel Adler, Seeds of peaceful change: the OSCE's security community-building model, in Emanuel Adler/Michael Barnett (eds), *Security Communities*, Cambridge 1998, pp. 119-160, here: pp. 138-142.

the dialogue about relevant legislation".[9] These recommendations were generally well received in Kyiv, and the Ukrainian authorities acknowledged that the decision by the authorities in Simferopol to cancel the referendum served as "evidence of a certain influence of recommendations developed in Locarno".[10] Based on this success, a second round table was held in September 1995 in Yalta focusing on the reintegration of Tatars returning to Crimea.[11]

Meanwhile, the Crimean leadership acquiesced to most of Kyiv's demands.[12] Although supported by Russia's Duma, Crimean separatists received little support from the government of President Yeltsin. Crimea's almost complete economic dependence on financial support from Kyiv made autonomy difficult to sustain. In addition, the Ukrainian central government gained control of the law enforcement agencies in Crimea, and particularly the structures of the ministry of the interior. Crimean leaders generally accepted the HCNM's recommendations, and on 1 November 1995, a new constitution on the status of the Autonomous Republic of Crimea was adopted that incorporated many of the suggestions from the Locarno conference, although it failed to guarantee representation for the Crimean Tatar community as the HCNM had encouraged.[13] The OSCE Mission also urged the government in Kyiv to institute economic development projects in Crimea to capitalize on its economic potential. They proposed creating a regional development bank with capital controlled by both Kyiv and Simferopol, along with a free economic zone to attract investment.

Negotiations between Crimean Russians and the government in Kyiv concerning the status of Crimea within Ukraine continued into 1996. Crimea sought the greatest autonomy possible through the adoption of its new constitution.[14] In order to close the gaps between the two constitutions, HCNM van der Stoel organized a third round table at the Dutch coastal resort of Noordwijk on 14-17 March 1996. He brought together participants from both disputing parties along with international experts on topics such as constitutional law and economics. This conference revealed agreement on most essential issues, so the HCNM urged the Ukrainian government to adopt the constitution of the Crimean Autonomous Republic without delay. He recommended that matters such as defence, security, and control over the continental shelf should remain under the exclusive jurisdiction of the central government, while many other functions should come under Crimean jurisdic-

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9   *Letter from Ambassador Max van der Stoel to Foreign Minister Hennady Udovenko*, 15 May 1995, OSCE Reference no. HC/1/95.
10   *Letter from Foreign Minister Hennady Udovenko to Ambassador Max van der Stoel*, 30 June 1995, OSCE Reference no. HC/4/95.
11   Cf. Foundation on Inter-ethnic Relations, *The Role of the High Commissioner on National Minorities in OSCE Conflict Prevention*, The Hague, 1997, pp. 75-77.
12   Cf. ibid., pp. 46-53.
13   Cf. Packer, cited above (Note 2), p. 310.
14   Cf. Tor Bukkvoll, *Ukraine and European Security*, London 1997, p. 53.

tion, and urged that disputes on economic matters be referred to outside experts for adjudication.[15]

On 28 June 1996, the Ukrainian *Verkhovna Rada* adopted a new constitution, reconfirming the status of Crimea as an Autonomous Republic within Ukraine. The OSCE Mission noted that this constitution was generally in line with international standards regarding the protection of human and minority rights, and the resulting agreement was widely hailed as a result of successful "preventive diplomacy" that not only headed off potential violence between Crimea and Ukraine but also appeared to resolve tensions between Russia and Ukraine. The OSCE thus played a role in preventing escalation to a violent conflict between the two largest post-Soviet states that could have portended serious consequences for peace in the aftermath of the breakup of the Soviet Union.

Nonetheless, no detailed agreement on the division of political power between Kyiv and Simferopol was concluded at that time, and secessionist sentiment remained. Differences still existed concerning the issues of citizenship and language, which had been at the centre of the conflict from the outset. However, with tensions reduced after resolution of the constitutional issues in 1996, the OSCE Mission to Ukraine was downgraded in 1999 to a small "project office" in Kyiv, and the satellite office in Simferopol was closed. Although the Conflict Prevention Centre in Vienna continued to monitor the situation, it was widely considered to have been peacefully resolved until early warning signs began to be reported in 2012, but these were deemed insufficient to lead to the re-establishment of a larger OSCE mission. Furthermore, the situation was considered to be sufficiently stable for Ukraine to be awarded the OSCE Chairmanship during 2013, entering the OSCE Troika from 2012 to 2014.

The 2014 Crisis in Ukraine and Crimea

The situation in Ukraine remained relatively calm for almost a decade; although tensions continued over the role of the Russian language and other related issues, primarily dividing the country between the predominantly Ukrainian-speaking regions in the north and west and the predominantly Russian-speaking regions in the south and east. These tensions intensified in 2004 with the presidential election that pitted Viktor Yushchenko, whose support came largely from western Ukraine, against Viktor Yanukovych, supported mostly by citizens in the eastern regions. Yanukovych was initially declared the winner, but his victory set off mass protests in the *Maidan Nezalezhnosti* (Independence Square), which are generally referred to as the "Orange Revolution". Election monitors from the OSCE's Office for Demo-

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15   Cf. Packer, cited above (Note 2), p. 311.

cratic Institutions and Human Rights (ODIHR) found that the elections failed to meet international standards, after which, on 26 December 2004, Ukraine's Supreme Court voided the election result and scheduled a new election for January 2005. In this round, generally found to be "free and fair" by ODIHR monitors, Yushchenko won 52 per cent of the vote compared to Yanukovych's 44 per cent and was declared the winner. This marked the victory of the "Orange Revolution", but it also set off calls within the pro-Russian regions for federalization of the country. Another reversal occurred in 2010, when Viktor Yanukovych and his Party of Regions rebounded from their previous defeat in 2005 and won the presidential election. In view of the frequent shifts in the Ukrainian leadership since independence, it is evident that there has never been a truly "national unity" government, as each successive government has tended to prioritize the region from which it draws its primary support.

These divisions came to a head in 2014. As Ukraine continued to face economic problems, Yanukovych tried to establish closer economic ties with Russia and the European Union (EU) simultaneously. On the one hand, he negotiated an Association Agreement with the European Union intended to begin the process of integration of Ukraine into the EU, which offered Kyiv funds contingent upon Ukraine's adoption of reforms necessary to make it eligible for accession. After initially agreeing to these conditions, Yanukovych subsequently declared them to be excessively harsh, so he refused to sign the Association Agreement in November 2013 at an EU meeting in Vilnius. Instead he turned to Russia, which offered Ukraine 15 billion US dollars in loans and lower gas prices, without demanding any specific reforms. This led to demonstrations in the Kyiv Maidan, consisting mostly of activists opposed to Yanukovych's government from western Ukraine, culminating in a clash on 18 February 2014, when about 20,000 demonstrators approached the parliament demanding a new constitution and a change of government, and about 80 demonstrators were killed by police fire.

In response, both parties asked the European Union and Russia to mediate. On 21 February, Yanukovych signed a compromise proposing to restore powers previously taken from parliament and to schedule early elections in December 2014. Although some members of the opposition signed this agreement, others continued their protests and demanded Yanukovych's resignation. On the next day the parliament selected Oleksandr Turchynov as interim president, voting to impeach Yanukovych and calling elections for 25 May to select a new president. At the same time, Yanukovych departed Ukraine. Russia's leadership branded this an illegal *coup d'état* and claimed that the new government in Kyiv was dominated by "fascists" and other nationalistic extremists from western regions of the country. The Ukrainian parliament exacerbated this problem by declaring Ukrainian to be the exclusive official language of the country, a move vetoed quickly by the interim

president, but not before it set off a violent reaction in the eastern, Russophone regions of Ukraine and in Crimea.

Russian President Vladimir Putin then ordered large-scale manoeuvres inside Russia near the Ukrainian border, and pro-Russian militias, who lacked insignia and were thus of undetermined nationality, simultaneously occupied government offices including the Crimean parliament in Simferopol. Although Russia claimed that these were local self-defence forces, the Ukrainian government branded this an "armed invasion." On 1 March 2014, the Russian Duma approved a request from President Putin to deploy Russian troops in Ukraine. In response, Ukraine invoked Chapter III on "Risk Reduction" of the OSCE's Vienna Document 2011 on Confidence- and Security-Building Measures and asked the OSCE's Conflict Prevention Centre to send representatives to dispel concerns about "unusual military activities" that might threaten peace and security. In response, 30 OSCE participating States sent 56 unarmed military and civilian observers to Ukraine, with a mandate to observe the military situation. However, these observers were stopped at border checkpoints and were thus not able to dispel concern about unusual military activity that threatened the territorial integrity of Ukraine. Furthermore, under the Vienna Document 2011, 25 countries conducted 19 verification activities in Ukraine, and ten countries conducted a total of six verification activities inside the Russian Federation. Russia, in return, requested consultations with Ukraine under the same provisions. The results of all of these inspections were discussed at three meetings of the Forum for Security Co-operation in Vienna, although the requirement for consensus within the forum made it impossible to agree upon concrete action in response to the escalation of military activity across international borders that clearly violated the foundational Helsinki Decalogue principles on the non-use of force for the settlement of disputes and non-intervention in the internal affairs of other participating States.

As pro-Russian elements took control in Crimea, a referendum on the future status of Crimea was scheduled for 30 March. This was soon moved forward to 16 March in an apparent effort to create a *fait accompli* on the ground before outside parties could react. In that referendum, which was boycotted by Crimean Tatars and most ethnic Ukrainians, some 97 per cent of Crimeans, according to official figures (not verified by any international monitors), voted to secede from Ukraine and join the Russian Federation. President Putin almost immediately signed a document allowing Crimea to join the Russian Federation, a move recognized by only a few states. As a consequence, Russia was dismissed from the Group of Eight (G8), and a G8 meeting scheduled for Sochi was cancelled, while the United States and the European Union imposed targeted sanctions on individuals closely associated with President Putin. The European Union signed the Association Agreement with the Ukrainian government that had been at the centre of the initial conflict on 21 March. On 27 March, the United Nations General Assembly

passed a resolution declaring the referendum of 16 March invalid. Meanwhile, pro-Russian forces seized Ukrainian military installations, especially the port facilities of the Ukrainian navy based at Sevastopol, and, on 29 March, acting Ukrainian President Turchynov ordered all Ukrainian forces to withdraw from Crimea in the face of the overwhelming pro-Russian military presence.

Action then spread to regions of eastern and southern Ukraine, where pro-Russian activists occupied government buildings in Donetsk, Luhansk, Kharkiv, and other cities, demanding a referendum on greater autonomy or the right to unify with Russia. The OSCE Permanent Council voted unanimously (including Russia!) to send a group of 100 international monitors to Ukraine to observe and report on events on the ground, allowing for the possibility to increase their number to as many as 500, subsequently raised to a maximum of 1,000. The mandate of the Special Monitoring Mission (SMM) to Ukraine called for them "to gather information and report on the security situation; establish facts in response to incidents; establish contacts and facilitate dialogue on the ground to promote normalisation of the situation" while operating "under the principles of impartiality and transparency".[16] Furthermore, the Permanent Council voted to send 100 long-term monitors and 900 short-monitors to observe the Ukrainian national elections on 25 May. The SMM reported daily on the escalating tensions and violence through much of Ukraine, especially in regions with large ethnic Russian minorities. Two ceasefire agreements were subsequently negotiated in Minsk in the framework of the Trilateral Contact Group: The first was agreed on 5 September 2014, the second, known as "Minsk II", was signed on 12 February 2015. It called for a ceasefire, withdrawal of heavy weapons behind the ceasefire line, and charged the OSCE SMM with "monitoring and verifying the withdrawal of heavy weapons, and observing the removal of all foreign armed formations, military equipment and armed individuals".[17]

Although active diplomacy regarding Crimea largely disappeared in the latter part of 2014, the OSCE HCNM, Astrid Thors of Finland, expressed her deep concern about the status of the Crimean Tatars, as well as Ukrainian-speakers in Crimea. As successive HCNMs had worked since the early 1990s to promote inter-ethnic harmony in the region, she feared that the new majority might not sufficiently protect the rights of vulnerable minorities in Crimea. The issue was compounded by the fact that Russian authorities refused to allow her entry into Crimea after its annexation by the Russian Federation. Similarly, the OSCE Representative on the Freedom of the Media (RFOM) expressed concern about media freedom in Crimea, as well as about numer-

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16 Organization for Security and Co-operation in Europe, *OSCE response to the crisis in and around Ukraine*, as of 1 June 2015, at: www.osce.org/home/125575.
17 Organization for Security and Co-operation in Europe, *Joint Statement by the OSCE Secretary General and the OSCE Chief Monitor in Ukraine on the implementation of the Minsk package*, Press Release, 13 February 2015, at: http://www.osce.org/secretariat/140556.

ous attacks against journalists in and around Ukraine. In short, the human rights situation throughout the region deteriorated significantly. Nonetheless, the Russians apparently considered that the status of Crimea had become a settled fact, no longer effectively challenged by Ukraine or the international community. Therefore, the agreements reached between 1992 and 1996 that had granted Crimea autonomy within the Ukrainian state were effectively reversed, and Russia established de facto control over the region. This occurred without any diplomatic negotiations or effective intervention by the international community during the short period in which this change of status was effected, in marked contrast to the extensive negotiations that prevented violence and allowed for a peaceful resolution of the Crimea crisis in the years immediately following the end of the Cold War.

What Has Changed?

Global Structures and Russia's Foreign Policy Calculus

This striking contrast separated by some 20 years leads to the question of what changed. Some analysts assert that the current Ukrainian crisis represents a reversion to the policies of the Cold War, but I would suggest a different interpretation. Although there was a significant geopolitical component to the Cold War, it also featured two fundamentally opposed ideologies, with conflicting messianic and global goals. By contrast, the current situation reflects the rise of strident nationalism gaining priority over co-operative security policies carried out within the framework of multilateral institutions. This is more reminiscent of the realpolitik practiced by the great powers in the 19th and early 20th century prior to the outbreak of World War I than it is of the Cold War. Interestingly, after the signature of the Helsinki Final Act in 1975, the Soviet Union did not commit direct violations of the foundational principles of the Decalogue, with the exception of some of the human rights principles. By contrast, Russia's actions in Georgia and even more clearly in Ukraine, especially Crimea, represent stark violations of the principles of the non-use of force for the settlement of international disputes, respect for the territorial integrity of states, and non-intervention in the internal affairs of states; these are by far the most serious violations of the basic Helsinki principles in the 40 years since their adoption in 1975.

Explanations include structural factors, especially changes in the relative power status of the major states in the international system, domestic political changes in several key states, and individual motivations and world views held by political elites. The question also arises of why the international institutions charged with conflict management, especially the CSCE/OSCE, were more effective in the earlier crisis than in the later one. NATO, the EU, and the United Nations were almost entirely sidelined from

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any role in the management of the 2014 crisis and were largely ineffective in preventing its escalation.

The structure of international relations has changed considerably during the intervening years. In the early 1990s, Russia was weak in all respects; its economy was undermined by the disintegration of the integrated market of the Communist Bloc, and its military forces were in disarray. Meanwhile, the United States military had emerged triumphant from the 1990-91 Gulf War as the leader of a global coalition operating under a mandate from the United Nations, and a new "unipolar" international system seemed to have emerged. Under these conditions, any kind of militarily assertive policy on the part of the newly independent Russian Federation was unthinkable, and it was clear to ethnic Russians in Crimea and eastern Ukraine that they would not receive significant support from Russia for a change in their status. Furthermore, in spite of support from the Russian Duma for Crimea's reintegration into the Russian Federation, their efforts received no support from President Boris Yeltsin or Foreign Minister Andrei Kozyrev.

This contrasts notably with the situation in 2014-15. The Crimea crisis broke out in the immediate aftermath of the triumphant Sochi Olympics, which had paraded symbols of Russian nationalism across the globe and enhanced President Putin's popularity at home. Indeed, Putin's own personality and world outlook was different from Yeltsin's, as he spearheaded the recreation of Russian nationalism and a desire to undo the humiliating consequences of the Soviet collapse. In addition, the Russian economy had rebounded from its post-Cold War crisis mainly due to oil and gas exports; not only did these replenish the state treasuries, but they gave Russia leverage over many countries in Western and Central Europe that depend on imports of Russian energy to keep their populations warm and their economies afloat. Europe, meanwhile, was stuck in a lengthy period of economic stagnation, and the United States was just emerging from its worst economic recession since the great depression of the early 1930s. On the military front, the Russians had largely reconstituted their military forces, while the United States was concluding two long-term, costly military engagements in Iraq and Afghanistan and was confronted with potential threats to its interests in many parts of the Middle East as well as rising Chinese military and economic power in East Asia. Americans were wary of any new foreign military adventures, confronted with political deadlock at home, and thus unlikely to mount any major military responses to Russian moves in their claimed "sphere of influence". European military forces had generally been cut back in the post-Cold War years, and there was no appetite or capacity to challenge Russian actions.

In short, although Russia did not want a direct military confrontation with the United States or NATO, President Putin and his colleagues likely realized that the change of government in Kyiv provided them with an unexpected opportunity to reverse an old, but still unhealed wound. The bitter-

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ness, perceived humiliation by the West, and economic and political anarchy of the 1990s in Russia, fuelled a rise in nationalism that spread from the Russian political right into the mainstream in the early years of the 21st century. This patriotic nationalism was further strengthened by support from the Russian Orthodox Church, which provided a messianic inspiration for the Russian desire to restore the historical Russian Empire, of which Crimea was seen as a vital part. When the crisis in Kyiv over the fall of the Yanukovych government arose in February 2014, this created a unique moment in which a surprise move into Crimea could create a fait accompli on the ground before outsiders could intervene. The quick victory in Crimea inspired pro-Russian opponents of the new regime in Kyiv, as well as political leaders in Russia, riding high on the public support that the success in Crimea had given them, to try to repeat their success in eastern Ukraine.

Behind the conflict was also the prospect that possible Ukrainian entry into NATO might further shift the line of division in Europe eastward, something long opposed by Russia's leadership. During the 1990s, Moscow more or less acquiesced as former non-Soviet members of the Warsaw Pact entered NATO. Since 2000, however, they have effectively established the "red line" of opposing NATO enlargement to states bordering Russia, especially Ukraine, Georgia, and Azerbaijan. However, most NATO members showed little or no interest in enlarging NATO to include these countries, at least prior to the Russian military intervention in Georgia in 2008. Having succeeded in concluding their operation in Georgia without seeing Georgia quickly embraced by NATO, the Russians focused on preventing Ukraine from turning towards NATO and the EU. The showdown between President Yanukovych and the opposition therefore took on special significance for Russian policy-makers, as Russia tried to lure Ukraine away from new ties with the EU by offers of economic aid. The overthrow of Yanukovych and his replacement by pro-European elements, largely from western Ukraine, including some elements from the far right-wing described as "fascists" by Russian leaders, renewed fears in Moscow of the further eastward enlargement of the EU and NATO to Russia's western border. In effect, in the eyes of those Russian political elites who see world politics in terms of geopolitical, hard-core realist theories, this movement of the EU and NATO into their immediate "near abroad" would have shifted the balance of power distinctly against Russian interests. Prior to February 2014, there was little interest among NATO member states in bringing Ukraine or Georgia into NATO, but the Russian effort to prevent this change in the global balance of power has reopened this issue for discussion in Brussels: Ironically, Russian behaviour in Ukraine could result in exactly the outcome they sought most to prevent.

The CSCE/OSCE has been the international institution most actively engaged in conflict management in Ukraine ever since the breakup of the USSR. This is largely because of its regional focus and the fact that all of the involved states participate in the OSCE, which is not true of NATO, the CSTO, or the European Union. Immediately after the end of the Cold War, many Russian foreign policy experts advocated making the CSCE the primary security institution in Europe, supplanting both NATO and the Warsaw Pact and thereby creating a Europe "free and undivided". However, as Western states continued to show a preference for strengthening and enlarging both NATO and the EU, Russia became disillusioned with the OSCE, complaining that it focused solely on problems "East of Vienna" rather than dealing with issues throughout the entire continent and across the Atlantic.

Nonetheless, the CSCE/OSCE played a significant role in conflict management across the region throughout the decade of the 1990s and generally received support from the Russian Federation. However, Russian interest in the OSCE shifted to general antagonism after 1999. Although this change occurred simultaneously with the ascent of Vladimir Putin, it also reflected a broad Russian antagonism towards pan-European security institutions. To a large degree, this was precipitated by NATO's use of military force to secure Kosovo's separation from Serbia in 1999 without authorization by either the UN or the OSCE, where Russia would have held a veto. Indeed, for Russian leaders, Kosovo provided the precedent for their unilateral action in Crimea in 2014, believing that the United States and the EU had acted without engaging international institutions to advance their own interests against Serbia.

Shortly thereafter, Russian disillusionment with the OSCE was strengthened by the decision of the Permanent Council to terminate OSCE missions of long duration in both Latvia and Estonia, where they had defended the rights of large ethnic Russian communities in both countries. When both subsequently entered the EU and NATO without, in the view of Russian leaders, properly accounting for the rights of Russian minorities, many felt betrayed. This was followed by criticism of ODIHR's role during the "Orange Revolution", where ODIHR declared Yanukovych's initial electoral victory to be illegitimate and then endorsed the election of his opponent, Viktor Yushchenko. Russian criticism of the OSCE culminated in a proposal made by President Dmitry Medvedev of Russia on 5 June 2008 to create a new European security institution, based on a legally binding treaty and founded on strengthened arms control measures and the right of states to remain neutral. Medvedev argued that security in Europe needed to be indivisible and that the dividing lines that NATO had created across Europe perpetuated the division rather than the unity of Europe. In short, by 2014 Russian leaders had little regard for the OSCE and a broad dislike for both NATO and the EU and thus saw little to be gained and a lot to be lost by en-

gaging the OSCE prior to their move to annex Crimea to the Russian Federation.

On the other hand, if the Russian government had sought to legitimize internationally the transfer of Crimea to Russian jurisdiction, they could have taken this dispute to the OSCE earlier, as they were obligated to do under the collective set of documents to which both Russia and Ukraine had subscribed. Citing the threat to the ethnic Russian populations of Crimea and eastern Ukraine, they might have invoked the unused Valletta Mechanism of 1991 on the peaceful resolution of inter-state disputes. They also could have requested ODIHR to monitor a properly prepared referendum calling for Crimea's transfer to Russian sovereignty. Although an internationally supervised referendum would not have provided Russia with the large majority that was obtained in its hastily called referendum, it is likely that a transfer to Russia would have received majority support. OSCE involvement at this stage would have also allowed engagement by the HCNM to ensure respect for the rights of the ethnic Ukrainian and Tatar minorities and the RFOM to defend the rights of journalists in Ukraine. In short, by using the OSCE mechanisms that were available, Russia might have achieved its primary objective while retaining international legitimacy and averting the harsh sanctions that have been applied in response to its violation in Crimea of the fundamental Helsinki and UN principles.

However, the Russian government took a different path. By taking the international community by surprise, they evidently believed that they could forestall any significant opposition from the international institutions responsible for European security. Compounding the difficulty of invoking early OSCE action was the fact that Ukraine held the OSCE Chairmanship in 2013, and the government of Viktor Yanukovych was effectively able to keep its own internal crisis off the agenda. It was only in 2014, when Switzerland assumed the Chairmanship just as the crisis was coming to a head, that the OSCE became engaged. At this point, however, it was too late for effective preventive action, and the OSCE was left – as in many previous crises – with the task of managing an ongoing crisis only after force had been employed. The Swiss Chairmanship acted quickly to respond to the crisis, but only after Crimea had fallen under Russian control and the separatist movement was beginning to seize control in parts of eastern Ukraine. This crisis, however, generated renewed interest in the OSCE in most of the 57 participating States

Perhaps most significant was the ability of the Swiss Chairperson-in-Office to persuade a reluctant Russia not to break consensus around the establishment of the SMM in Ukraine on 21 March 2014, followed also by developing consensus around the deployment of the OSCE Observer Mission to the Russian Checkpoints of Gukovo and Donetsk, the deployment of military verification missions under the Vienna Document of 2011 on Confidence and Security-Building Measures, the creation of a National Dialogue Project in March-April 2014, the agreement for the SMM to monitor the Minsk cease-

fire agreement of 5 September 2014 and report on violations – of which there proved to be many on all sides – and finally the agreement for the OSCE to monitor implementation of the Minsk II agreement of February 2015 calling for a renewed ceasefire and the withdrawal of heavy military equipment from the "line of contact". ODIHR and the OSCE Parliamentary Assembly organized observers to monitor the presidential election in Ukraine in May 2015. The HCNM also intervened to defend the rights of ethnic minorities in Ukraine, and the RFOM investigated and issued frequent reports on intimidation, harassment, kidnapping, and even killing of journalists covering the fighting in eastern Ukraine. In short, the capacity of the OSCE to respond quickly and flexibly to a crisis was demonstrated by its response to the Ukraine crisis of 2014-15, but only after the early use of military force had created new "facts on the ground". Unfortunately, actions to resolve conflicts taken after the "Rubicon" of violence has been crossed are more difficult than preventive actions, in large part because the very nature of the conflict is changed by the outbreak of violence.[18]

Conclusion

In conclusion, there were a number of significant differences that the OSCE confronted in the 2014-15 crisis compared to the earlier Crimea crisis in 1992-96. First, the earlier Ukraine crisis evolved slowly, over a period of years, allowing the newly formed institutions of the CSCE to manage events and to engage in preventive action before it was too late. By contrast, the events in 2014 developed very quickly, partly as a consequence of the largely unanticipated popular opposition to President Yanukovych's decision to reject the Association Agreement with the European Union and the ensuing crisis that led to his flight from Ukraine. Even more important was the deliberate Russian action to take advantage of that opportunity to seize control in Crimea in a sufficiently stealthy way that rapid reaction by the OSCE or any participating state was impossible; confronted with a *fait accompli* of a Russian takeover and a hastily organized referendum (unlike 1992, when there was time to convince the parties not to rush into a precipitous vote), there was little that could be done short of outright military action against pro-Russian forces in Crimea. This left the OSCE, the UN, and all major participating States with no viable options except to protest and impose sanctions on Russia. The sudden change in Crimea's status also stimulated an uprising among ethnic Russians of eastern Ukraine, and likewise this occurred so rapidly that preventive action was precluded. Therefore, the OSCE effort

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18   Cf. Bruce W. Jentleson, Preventive Diplomacy: Analytical Conclusions and Policy Lessons, in: Bruce W. Jentleson (ed.), *Opportunities Missed, Opportunities Seized: Preventive Diplomacy in the Post-Cold War World*, Lanham, MD, 2000, pp. 330-332.

turned to managing the conflict and to developing procedures to negotiate a ceasefire.

In summary, the largely unanticipated crisis in Ukraine in 2014 was stimulated by President Putin's decision to use force to oppose the extra-constitutional change in the Ukrainian government, which was in a state of disarray after the dismissal of President Yanukovych; to engage in rapid and deliberately ambiguous military action against Crimea; and to create a situation in which diplomacy could be invoked only after the crisis turned violent. This contrasts with the situation in 1992-96, when diplomacy was engaged prior to major violence, preventing escalation and enabling a resolution to be negotiated over a span of several years. Once the threshold of violence was crossed in 2014, options narrowed and the task of negotiating a stable peace became significantly more difficult. The recent Crimea crisis undoubtedly stemmed in part from the failure of early warning of brewing dissatisfaction within Crimea about the previous agreements, which evidently were not as stable as many believed; a renewed assertiveness on the part of Russia about its role in its "near abroad"; and weakened international institutions mandated to engage in preventive diplomacy. As a result, the most egregious violation of the fundamental norms of the Helsinki Final Act since it was signed in 1975 occurred, not only creating a serious challenge in the need to manage the crisis in Ukraine itself, but also representing a serious threat to the stability of the European security order that emerged in a period of détente in the mid-1970s and endured almost 40 years thereafter, well into the post-Cold War period. Although not a literal return to the Cold War, this crisis represents a serious revisionist challenge to the post-Cold War security regime in Europe, which needs to be strengthened to meet any similar challenges that lie ahead.

Comprehensive Security: The Three Dimensions and
Cross-Dimensional Challenges

Reinhold Mokrosch

How Tolerant Do Religions Need to Be to Serve Peace? Considerations of Tolerance and Satire after the Attacks in Paris and Copenhagen in January and February 2015

Preliminary Remarks

As the appointment of a "Representative on Freedom of the Media" shows, the OSCE strongly supports the right to freedom of expression and to a free and pluralistic media in its 57 participating States and beyond. In addition, as reiterated by the OSCE's Ministerial Council in Dublin in 2012, combating terrorism is one of the Organization's key tasks. And finally, an "Advisory Council on Freedom of Religion or Belief" was created with the goal of maintaining religious freedom in all OSCE States and beyond.

In my opinion, this focus on freedom of expression, media freedom, and freedom of religion challenges the representatives of the OSCE to reflect on whether and to what extent the extreme satire of the kind that is being created in many parts of the world today may endanger these liberties – or even strengthen them. And the OSCE needs to ask religious communities if they are prepared to exercise tolerance with regard to such satire. For religious communities are an important political factor for securing peace in Europe. Can the OSCE rely on them to co-operate on the basis of tolerance, respect, and esteem? Following the attacks in Paris in January 2015 and in Copenhagen in February, and given the smouldering resentment of anti-Islamic groups such as Pegida, this question has taken on a greater urgency. The following considerations seek to encourage reflection on these issues.

Are Religions Capable of Tolerance at All?

The answer is no, according to Jan Assmann, a sociologist of religion and Egyptologist.[1] Many experts and laypersons alike would agree. In his view, at least the three monotheistic revealed religions are intrinsically, i.e. by their very nature, preoccupied with the exclusion of unbelievers, the superstitious, and blasphemers, and can by no means recognize or tolerate other religions or

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1   Cf. above all, Jan Assman, *The Price of Monotheism*, Stanford 2010; Jan Assman, *Monotheismus und die Sprache der Gewalt* [Monotheism and the Language of Violence], Vienna 2006; and Jan Assman, Leitkultur und doppelte Mitgliedschaft. Überlegungen zur Toleranzdebatte [Core Culture and Dual Membership. Thoughts on the Tolerance Debate] in: Myriam Bienenstock/Pierre Bühler (eds), *Religiöse Toleranz heute – und gestern* [Religious Tolerance Today – and Yesterday], Freiburg im Breisgau 2011, pp. 109-127.

world views. Extrinsically, however, i.e. with regard to actual religious practices and the spirit of specific periods and cultures (the "zeitgeist"), political reason and the Enlightenment spirit of modernity mean that other religions and world views are frequently tolerated as a means of enabling coexistence. Yet, in Assmann's view, that kind of tolerance amounts at best to sufferance. Not more! In their essence, religions are not really tolerant.

Are religions capable of tolerance? "Yes", according to the Catholic theologian Hans Küng.[2] Only a few experts and laypersons would agree. All religions agree on the createdness of all human beings, the need for reverence for all life, the "golden rule" ("do as you would be done by"), and the universality of the human relation to the transcendent, and use this as the basis for cultivating a culture of fraternity, non-violence, and tolerance. They are, according to Küng, intrinsically capable of tolerance in the sense of mutual recognition. Yet in their extrinsic practice, contrary to Assmann, political unreason and the demands of the zeitgeist often make them intolerant and violent. Küng's view is precise the opposite of Assmann's.

Are religions capable of tolerance? "Yes and no", according to the American historian and sociologist of religion Scott Appleby, whose views are shared by many experts, but only a few judicious and unprejudiced members of the public.[3] The sacred is always ambivalent, and religions will thus always produce both peace *and* violence, and will act in ways that are both tolerant *and* intolerant. Appleby does not distinguish between intrinsic and extrinsic factors, but does separate the dogmatic and the practical: In their dogmas, religions tend to promote peace, non-violence, and tolerance, while in practice, the doctrine of the "just war" is used everywhere to justify violence and intolerance.

These contradictory expert opinions are confusing, as are the feelings, opinions, and prejudices of German citizens:[4] Germans are uncertain as to whether Islamism and Islamists (0.8 per cent of Muslims in Germany are Islamists) belong to Islam at all; and depending on current news coverage of Islamism (most of which concerns Islamic State and al-Qaeda, and is thus usually not from Europe), the percentage of Germans who oppose Islam varies from between 50 and 70 per cent. Equally confusing is the behaviour of many religious communities: Many Muslim organizations, Jewish communi-

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2   Cf., in particular, Hans Küng, *Projekt Weltethos* [Towards a Global Ethic], Munich 1990; Hans Küng, *A Global Ethic for Global Politics and Economics*, Oxford 1997; and Hans Küng/Karl-Josef Kuschel (eds), *Wissenschaft und Weltethos* [Science and Global Ethic], Munich 1998.

3   Cf. Scott Appleby, *The Ambivalence of the Sacred: Religion, Violence, and Reconciliation*, Lanham, MA, 2000.

4   Cf. Bertelsmann Stiftung, *Religionsmonitor – verstehen was verbindet, Sonderauswertung Islam 2015. Die wichtigsten Ergebnisse im Überblick* [Religion Monitor – Understanding the Ties that Bind, Special Study Islam 2015. The Key Findings in Summary], at: http://www.bertelsmann-stiftung.de/fileadmin/files/Projekte/51_Religionsmonitor/ Zusammenfassung_der_Sonderauswertung.pdf. Based on polling carried out in November 2014.

ties, and Christian churches condemn unreservedly any and all (!) religiously motivated violence and accuse those who perform such attacks of seeking to destroy God and their religion. Yet other organizations and communities make no statements at all. How should we understand this? Are religions intrinsically tolerant or intolerant? Or can their tolerance or intolerance only be explained in terms of extrinsic, i.e. external, factors?

I know that this question cannot be answered. I nonetheless want to put this to the test by examining it at two marginal yet globally relevant points; namely by asking: "How do religions deal with satire today and what is their intrinsic attitude to satire – tolerant or intolerant?" This is tied up with the question I ask in my title – *"How tolerant do religions need to be to serve peace?"*

A brief note on definitions: I am speaking about religious satire as a form of art. And I distinguish hierarchically between the following five forms of tolerance (from the lowest to the highest): sufferance, coexistence, dialogue, co-operation, and respect and esteem.[5]

Satire and Religion – Recent Events

Osnabrück, October 2014

At his show in Osnabrück, the German political comedian Dieter Nuhr denounced the practices of Islamists in a sarcastic, viciously ironic, derisive, and disdainful way, garnering an enthusiastic response from his audience:

> *Seventy-two virgins await every suicide murderer, and as soon as they are used up, their virginity is restored* (laughter) […] *Whoopee: The sun is out, the heavens laugh, Yussuf's blown himself in half* (derisive laughter) […] *Female martyrs are greeted by their husbands* (roaring laughter) […] *For the first theft, the right hand is chopped off, for the second, the left – and for the third?* (some laughter) […] *the Arabs just can't get it together: Countless illiterates! But everything is the fault of Israel and the USA* […] *All over the world, new technologies are being patented, just not in the Arab countries; and when they are, then it's for an automatic stoning device* (laughter) […] *Islam is only tolerant when it has no power! Let's make sure it stays that way* (silence, perhaps because the audience does not understand the profundity of this sentence).[6]

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5 This typology was conceived by Rainer Forst, Toleranz, Gerechtigkeit und Vernunft [Tolerance, Justice and Reason], in: Rainer Forst (ed.), *Toleranz* [Tolerance], Frankfurt 2000, pp. 119-143, here: pp. 123-130.
6 Author's translation based on personal notes taken at the event.

Outside the hall, 15 Muslims demonstrated with placards whose slogans included "Stop Hate Preacher Nuhr!" and "*Nu(h)r Lügen*" (German for "only lies" – a pun on his name). Their leader, Erhat Toka, filed a complaint with the public prosecutor against Nuhr for hate speech against both Muslims and Arabs. The complaint was initially pursued, but dropped after a short time: The court later ruled that Toka could continue to describe Nuhr as a "hate preacher", but that Nuhr was also allowed to continue to perform his satire, as his exercising of his artistic freedom did not demonstrate xenophobic intentions, and was not religious or racial hate speech. Osnabrück breathed a sigh of relief! Instead of a bomb attack, Nuhr faced only an orderly legal process.

Throughout Germany, however, a frenzied debate developed in newspapers and radio and on the internet, in which I also became a target. I had expressed my opinion in print that anyone who feels that their religious feelings have been seriously attacked has the right to take legal steps, and that a complaint filed with the public prosecutor is still better than a bomb.[7] The reaction was a death threat and merciless abuse from Pegida supporters.

Yet there was also civilized discussion of the following questions: Did Nuhr go too far? Is even his vicious sarcasm protected by the German constitution (Article 5 of the Basic Law, on freedom of expression, arts and sciences)? Did he injure the religious feelings of Muslims or the ethnic sensitivities of Arabs? Is satire allowed, as Kurt Tucholsky claimed, to do everything? Does artistic freedom override the protection of religions from insult and discrimination in this case? According to Tucholsky, satire should encourage its targets to think again; it should criticize the powerful and give the oppressed a voice. Did Nuhr achieve this? Or are religions humourless and intolerant if they cannot cope with satire of this kind?

Nuhr enjoyed strong support among the general public. They considered the freedom of the arts and of satire as an inalienable higher good, accused Islam of intolerance, and no longer distinguished between Islamists and Islam. Who was right?

Paris, Editorial Offices of Charlie Hebdo, Kosher Supermarket; Montrouge, January 2015

The horror of Paris is well known. After murdering eleven journalists and caricaturists and one bodyguard, the murderous brothers Said and Cherif Kouachi, who were not typical suicide-murderers, but rather cowardly assassins, shouted "Allahu Akbar! We have avenged the Prophet!" On the street outside the offices of Charlie Hebdo, they murdered a Muslim police officer. And their accomplice Amedy Coulibaly shot a police officer in Montrouge and four Jews in a kosher market in an anti-Semitic attack. The three murderers, all of whom were shot dead, did not leave any theological arguments at-

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7   Cf. articles in the Neue Osnabrücker Zeitung (NOZ) from 24 and 29 October 2014; and 12 and 22 January 2015.

tempting to justify their actions. They merely wanted to avenge the prophet and hurt Israel. They would not have been capable of making a decent legal case against Charlie Hebdo.[8] The only instrument they were capable of using was the murderous violence of the Kalashnikov. Investigations have since revealed that they were unfamiliar with Islam, the Koran, and the hadith. They carried out their murders on behalf of al-Qaeda and Islamic State.

Would they still have murdered if the leaders of (Sunni) Islam had called for tolerance of caricatures of Mohammad and satire of Islam in general? I would suggest that the answer is "no" with regard to the two (Al-Qaeda-influenced) murderers of the Charlie Hebdo staff and "yes" with regard to the (Islamic State-inspired) murderer of four people in the kosher supermarket. Islamic State is concerned with the creation of a global theocracy and not with avenging the prophet. Al-Qaeda, on the other hand, seeks to spread Islamism and (supposedly) protect the Prophet.

A call for tolerance towards cartoons of Mohammad is conceivable in Islam for a number of reasons: The ban on images is not obligatory in Islam (though it is in Judaism). Furthermore, the prohibition of violence, and hence the call for tolerance in purely religious matters, is unambiguous in Islam. Sura 2.256 states: "There is no compulsion in religion." And that also implies that there should be no violence between religions. And finally: The prophet's injunction to negotiate rather than fight with those of different (or no) beliefs,[9] also supports tolerance, if only at the level of sufferance and coexistence, and not that of mutual respect.

Certainly, calls for tolerance towards caricatures of Mohammad have to be accompanied by demands that the cartoonists set limits to their satire, and use it solely to call for the humanization of Islam and Islamism. This kind of mutual arrangement between Islam and the Western world is not inconceivable, and could be accepted by both sides. But they would not stop non-religious ideological fanatics such as Islamic State from pursuing their path of murder and destruction (whose targets ultimately include Islam and the prophet himself). Religious tolerance, even when it only takes the form of sufferance, can have no effect on pseudo-religious ideological fanatics and fundamentalists. It can only find fertile soil among genuine believers.

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8   An attempt to bring criminal charges against Charlie Hebdo would probably have failed in any case. The Catholic Church in France had attempted several times to instigate bring charges against the magazine as a result of pornographic cartoons featuring the Virgin Mary and the Pope and a portrayal of the Holy Trinity engaging in anal sex. In vain! The cartoonists' artistic freedom was always considered more important than the protection of religion from execration.

9   Cf. Reinhold Mokrosch/Thomas Held/Roland Czada (eds): *Religionen und Weltfrieden. Friedens- und Konfliktlösungspotentiale von Religionsgemeinschaften* [Religions and World Peace. The Peace and Conflict Resolution Potential of Religious Communities], Stuttgart 2013, pp. 139-148.

Copenhagen, February 2015

Five weeks after the Charlie Hebdo attacks, a 22-year-old man of Palestinian descent, Omar Abdel Hamid El-Hussein, followed the example of the Paris attackers and murdered the film director Finn Nørgaard at a cultural centre in Copenhagen (his intended target was probably the Mohammad caricaturist Lars Vilks). Nørgaard was taking part in a discussion on "Art, Blasphemy and Freedom of Expression" at the time. A few hours later, he shot and killed a guard at Copenhagen's Great Synagogue. He was not motivated by religion, but rather by anti-Israeli and pro-Palestinian sentiment – together with feelings of social exclusion. He had no links with Syria, Iraq, or Islamic State, yet imagined he was killing on behalf of the latter. Perhaps he was just one of those copycats whose feelings of alienation and victimhood drew him towards the goals of Islamic State, like many other violent criminals, some of whom remain isolated while others become part of a mob.

Could calls for tolerance from Islamic leaders have changed him? Unlikely. He would just have found another murderous gang of thugs to attach himself to.

Does Satire Have Limits?

In the light of these horrific events, I would like to attempt to outline criteria for distinguishing between acceptable and unacceptable religious satire:

- Religious satire should not be more extreme than other forms of satire that are capable of hurting feelings (and thereby precisely miss their targets), e.g. satire at the expense of modern art, youth subcultures, feminism, or ethnic traditions. If limits to free expression are called for in these cases, then the same should apply to religion.
- Every satire aims to challenge those that it mocks to reconsider their position and undertake self-criticism. Religious satire should therefore seek to attack injustices within religious communities, while protecting those that suffer from them.
- As Tucholsky believed, satire should criticize the powerful while giving a voice to the oppressed. Religious satire should not lose sight of this social component of satire.
- Religious satire always needs to consider the consequences of its criticisms. To do this, it needs to assess the ability of the religions it is attempting to satirize to tolerate criticism. It cannot disturb public order – or indeed world peace – with the argument that "religious believers need to learn to cope with criticism".
- Satire needs to make distinctions and beware of sweeping negative judgements. In the case of religious satire, Islam must be distinguished

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from Islamism, Christianity from Christian ideology, and Judaism from Jewish ideology. Indeed, in my opinion, satire should not attack religion per se but rather religious ideologies, fanaticism, and fundamentalism, i.e. perversions of religion.

- Religious satire should maintain aesthetic standards. When Charlie Hebdo responded to the child-abuse scandal in the Catholic Church by portraying the trinity of God the Father, God the Son and the Holy Spirit engaging in anal sex, this may indeed have been an effective criticism of the terrible scandal, but, in my opinion, also crossed this line.

- Is it legitimate for satire to caricature God? To blaspheme? In principle, yes, but it should always take account of the feelings of those addressed. Should Germany's blasphemy law be abolished (para. 166 of the German Penal Code)? I don't believe so, as this would open the door to anti-Semitic and anti-Islamic fanatics.

- And finally: When does religious satire abuse the feelings, convictions, and faith of believers? Should believers be allowed to determine this themselves? For themselves, yes. But not for others. That remains something for the courts to decide. Believers may only express their own subjective feelings of having been insulted. It is not legitimate for them to react to satire by taking the law into their own hands and seeking revenge in the name of other members of their religious community, let alone in the name of God or the Prophet. It is legitimate for a believer who feels insulted to file a legal complaint. But they may not act in the name of an institution, and certainly may not use violence.

Is it reasonable to ask religious satirists to act according to these criteria? And is it reasonable to ask religious believers to display this level of tolerance? How much tolerance do religions need to display to be able to learn from satire and to serve peace?

Recapitulation: Are Religions Capable of Tolerance at All?

When the Abrahamic monotheistic religions – those I am focusing on here – emerged, the concept of tolerance did not exist – though its essence did. It can be found in the various holy books in concepts such as forgiveness, peace, reconciliation, endurance, and compromise. I will therefore examine the various holy scriptures from this point of view, asking if this says anything about their religions' capacity for tolerance.[10]

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10 See the relevant articles in Werner Haussmann/Hansjörg Biener/Klaus Hock/Reinhold Mokrosch (eds), *Handbuch Friedenserziehung, interreligiös, interkulturell, interkonfessionell* [Handbook of Peace Education – interfaith, intercultural, interdenominational], Gütersloh 2006.

Christianity

The Old Testament of the Christian Bible, which also includes passages where God as military leader encourages murder in the most brutal terms, also contains calls for understanding between peoples and rudimentary international law (Amos 1-2 and Deuteronomy 20). The Old Testament contains many further fascinating references to peace: When "righteousness and peace kiss each other" (Psalms 85:10); when "the wolf will live with the lamb" (Isaiah 11:6); when "they will beat their swords into plowshares" (Isaiah 2:4); and when an "Everlasting Father, Prince of Peace" (Isaiah 9:6) is born, God's will and nature shall be realized.

In the New Testament, Jesus calls in the Sermon on the Mount (Matthew 5-7) for his followers to love their enemies, to pray for those who persecute them, and to show aggressors the other cheek.[11] There is also the "Golden Rule", which is also a part of the moral teaching of every other religion. The biblical version is: "So in everything, do to others what you would have them do to you" (Matthew 7:12). This imprecation may not inspire respect and esteem, but it does call for mutual sufferance; and this could be expanded to include the former two. Paul calls for Christians to "overcome evil with good" (Romans 12:21). That requires tolerance in the form of forgiveness. Christians are therefore not only capable of practising tolerance in the sense of sufferance and coexistence, but also to expand this to encompass loving forgiveness, respect and esteem. Christianity is capable of tolerance.

Islam

Those who consider tolerance a central tenet of Islam[12] frequently refer to Sura 2:256 of the Koran, which states "There is no compulsion in religion".[13] From this call to non-violence within the religion, they conclude (correctly in my opinion) that there should also be no compulsion among religions, but rather understanding, reconciliation, peace, and tolerance. While the Koran states that such a peace of tolerance is based on an accord – "But if the enemy incline towards peace, do thou (also) incline towards peace, and trust in God" (Sura 8:61) – this is not a requirement but rather the outgrowth of patience and forgiveness (Sura 7:199: "Hold to forgiveness; command what is right"). A procedure of this kind can be correctly described as tolerance in the form of co-operation, but certainly not yet in the form of respect or esteem. Sura 5:32 also points to tolerance: "[…] if any one slew a person […] it would be as if he slew the whole people; and if any one saved a life, it would be as if he saved the life of the whole people." In my view, this doctrine of solidarity should be understood as an exhortation to peaceful fraternity and

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11   Cf. Reinhold Mokrosch, *Die Bergpredigt im Alltag* [The Sermon on the Mount in Everyday Life], Gütersloh 1995.
12   Cf. Adel Theodore Khoury, *Toleranz im Islam* [Tolerance in Islam], Munich 1980.
13   Compare also Sura 10:99: "If it had been thy Lord's Will, They would all have believed, All who are on earth! Wilt thou then compel mankind?"

general tolerance. The Golden Rule ("None of you will believe until you love for your brother what you love for yourself")[14] can – but need not – also be interpreted in terms of respect for one's "brother". But that is a matter of interpretation.

Of course, other Suras, with their calls for violent action, speak against tolerance in Islam. Yet there can be no doubt that Muhammad was in favour of tolerance in the form of sufferance and coexistence – if not generally cooperation, let alone respect, or mutual esteem. Muslims should adopt this minimum level of tolerance. Islam is capable – must be capable – of tolerance.

Judaism

In the Jewish tradition, the ethics of peace and tolerance concentrate on scriptural passages such as Psalms 34:15 "Shun evil and do good, seek peace and pursue it." In the rabbinic tradition, *shalom* is considered to be "the yeast of creation". And paralleling the Koran, the Jerusalem Talmud states that "Whoever destroys a soul, it is considered as if he destroyed an entire world. And whoever saves a life, it is considered as if he saved an entire world."[15] As in the Koran, this passage does not specify a certain class of person (Jews, believers), but rather refers to all human beings. That also suggests awareness of a peaceful fraternity of all people and thus for awareness of a tolerance inherent in every person. In Judaism, the Golden Rule is formulated as "What is hateful to you, do not to your neighbour."[16] This resembles the German saying "*Was du nicht willst, dass man dir tu, das füg auch keinem andern zu*" [What you do not wish done to yourself, do not inflict upon others], i.e. a passive coexistence of people, while the Christian formulation calls for active, loving togetherness. But that too is a matter of interpretation.

Although the Hebrew Bible, the Tanakh, is full of calls for violence and intolerance, it also contains rudiments of a call for tolerance, which have been and will continue to be followed by countless Jews. Judaism is capable – must be capable – of tolerance.

The three Abrahamic religions are thus clearly capable – at least potentially – of exercising tolerance. Whether their followers are able to do so can, however, certainly be called into question. Their actions often suggest that they are not. Violence and intolerance are found not only in Islamism and ideologized Christianity and Judaism, but also in the three religions themselves. Can that all be put down to individuals? Not entirely. It is also the fault of the holy books of these religions themselves. They create peace *and* violence. Nonetheless, their followers could be tolerant and create peace. Yet it still remains to ask:

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14   *The 40 Hadith of An Nawawi*, Number 13.
15   Jerusalem Talmud, Sanhedrin 4:1.
16   Rabbi Hillel, *Babylonian Talmud: Tractate Shabbath*, Folio 31a.

With this, I return to my initial question. In the course of this discussion I have distinguished five kinds of tolerance, in ascending order: sufferance, coexistence, dialogue, co-operation, and respect and esteem.

We could consider the goal of all religions to be the highest form of tolerance – respect and esteem – as all religions see human beings as God's creation, and hence as brothers and sisters, who should live together in peace and tolerance. Religious people can meet the objection that God could not have created murderers with the distinction between actor and action: God created the murderer, but the evil act is the product of the human individual.

But tolerance in the form of respect and esteem is indeed a distant or even utopian goal. As we have seen, the holy books themselves rather promote tolerance in the forms of sufferance and coexistence. The Old Testament concept of understanding between peoples and the Islamic concept of a peace accord do not propose that one admires one's enemies, but merely that one tolerates them and learns to coexist in order to survive. The Bible and the Koran are almost entirely free of references to dialogue and co-operation between peoples and religions, let alone respect and mutual esteem. Only the Sermon on the Mount, with its call for us to love our enemies, can be understood in this sense. While the "Golden Rule" can be interpreted in this way, it need not be. When calls for tolerant coexistence are expanded into calls for mutual understanding, forgiveness, and respect, this is a matter of interpretation, not of the texts themselves.

Religions cannot therefore be expected to pursue tolerance in the forms of dialogue, co-operation, and esteem on the basis of their holy books. Calls for these kinds of tolerance can only be expected in the history of religions when the extrinsic culture or zeitgeist demands them. But when this zeitgeist is lacking, as it has been in many societies – including many Jewish, Christian, and Muslim communities – then the most that can be expected is tolerance in the form of sufferance and coexistence. Yet this can and should be expected by everyone, as it is expected and indeed demanded by God.

In Europe, the core of the OSCE area, the spirit of tolerance in the form of dialogue and mutual respect predominates. Within Europe, therefore, we can and should expect the religions to show a willingness towards dialogue, co-operation, and respect. That means that, in cases of conflict, religions must respect the rule of law in their dealings with each other and spurn private justice. Furthermore, believers should maintain a proper perspective on themselves, be self-critical, take an interest in interfaith dialogue, and even to cultivate a sense of humour with regard to religion. The initiative for this *must* be taken by the leaders of the various religions.

I experienced a good example recently in a mosque: The Imam was discussing Mohammad's humour, as preserved in certain hadiths, and his deep belief and faith that God himself played an active role on earth and in human

history. He concluded with the sentence: "We don't need to defend God; God defends himself and he defends us." That evening in the mosque, Christians, Muslims, and Jews met for an interfaith discussion about Abraham. During this discussion, Abraham was interpreted as the "father of faith", who placed his life entirely in God's hands.

It is the spiritual leaders who must make the call for interfaith encounters, dialogue, and tolerance. And they need to practise tolerance themselves. If they are then followed by believers then tolerance in the form of dialogue, co-operation, and mutual esteem could be the result.

In my view, the task of the OSCE is to remind Europe's spiritual leaders of their duty to call for tolerance.

Omar Grech/Monika Wohlfeld

Managing Migration in the Mediterranean: Is the EU Failing to Balance State Security, Human Security, and Human Rights?

Introduction

In the early summer of 2015, when this contribution was written, migration across the Mediterranean was one of most hotly debated topics by the European media, political classes, and the general public. With the numbers of refugees and asylum seekers arriving on Europe's doorstep at their highest levels ever, and scores drowning while crossing the Mediterranean, pictures of dead bodies floating in the sea dominated the press. Right-wing parties across Europe issued warnings of a threat to European culture and identity. In a passionate speech, the president of one EU member state identified migration as a threat to Europe's existence, linking the growth of irregular migration to the rise of terrorism, higher unemployment, and increasing crime rates.[1] At the same time, civil society organizations and numerous citizens and politicians invoked human-rights obligations and humanitarian concerns, and a wave of civic engagement was evident in many European countries, manifesting itself, for example, in the private Migrant Offshore Aid Station (MOAS) initiative to rescue migrants at sea.[2]

As to the European Union's response to the tragedy unfolding in the Mediterranean, it has been an ungainly combination of humanitarian and security concerns. The EU's dominant understanding is that migration is a security issue, which has led to a focus on border management and policing, and even military elements.

In the field of security studies, a rethinking and broadening of the understanding of what constitutes a security threat has led, since the 1980s, to migration being seen largely as a security issue: "The duality of threats apparently caused by migration to both national sovereignty and human security are largely reflected in much of the recent academic literature."[3]

This contribution asks whether migration can justifiably be considered a security issue, and under which circumstances this may be the case. It focuses on two approaches to migration: a state-centric approach related to the notion

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1 Cf. Margit Feher, Europe's Existence Threatened by Influx of Migrants Says Hungary's Orban, in: *Wall Street Journal*, 26 July, at: http://www.wsj.com/articles/europes-existence-threatened-by-influx-of-migrants-says-hungarys-orban-1437827281.

2 Migrant Offshore Aid Station, at: http://www.moas.eu.

3 Caryl Thompson, Frontiers and Threats: Should Transnational Migration Be Considered a Security Issue? In: *Global Policy*, 20 November 2013, at: http://www.globalpolicyjournal.com/blog/20/11/2013/frontiers-and-threats-should-transnational-migration-be-considered-security-issue.

of national security, and a human-security approach, based on human-security and human-rights considerations. It concludes with a brief evaluation of the EU's response to the migration crisis in the Mediterranean, arguing that Europe is betraying the principles on which it is founded by focusing insufficiently on the primacy of human rights. The contribution will not consider issues related to the reception, accommodation, and integration of migrants making their way across the Mediterranean Sea, as these are issues that deserve separate in-depth consideration. Nor will it discuss the Eurocentric nature of the debate on migration in the Mediterranean, which emphasizes the concerns of developed countries over those of developing countries (which host far more migrants with significantly less material means to cope with them).

The Phenomenon of International Migration

Migration can be understood as the movement of people from one place to another. The International Organization for Migration (IOM) defines migration in broad terms as "the movement of a person or a group of persons, either across an international border, or within a State. It is a population movement, encompassing any kind of movement of people, whatever its length, composition and causes; it includes migration of refugees, displaced persons, economic migrants, and persons moving for other purposes, including family reunification."[4]

Human migration has taken place throughout history. At times it has been considered a threat, but it is more often seen as an opportunity. The UN reports that the number of international migrants worldwide reached 232 million in 2013, up from 175 million in 2000 and 154 million in 1990.[5] As for the European Union, Eurostat specifies that there are some 20 million non-EU nationals residing in the EU countries (making up four per cent of the population).[6] Thus, the vast majority of the world's migrants do not reside in European countries. In fact 86 per cent of the world's forcefully displaced persons are hosted in developing countries. Jordan, for example, had 747,360 registered refugees in January 2015 from Syria alone.[7] This is without taking into account other refugees that Jordan hosts. These facts are generally unknown to European public opinion. Significantly, polls indicate that the gen-

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4   IOM, *Key Migration Terms*, at: https://www.iom.int/key-migration-terms.
5   Cf. United Nations Department of Economic and Social Affairs, Population Division, *The number of international migrants worldwide reaches 232 million*, Population Facts No. 2013/2, September 2013, at: http://esa.un.org/unmigration/documents/The_number_of_ international_migrants.pdf.
6   Cf. Eurostat, *Immigration in the EU*, 10 June 2015, data from 2014, at: http://ec.europa. eu/dgs/home-affairs/e-library/docs/infographics/immigration/migration-in-eu-infographic_en.pdf.
7   Cf. UNHCR, *2015 UNHCR country operations profile – Jordan*, at: http://www.unhcr. org/pages/49e486566.html.

eral public tends to overestimate the numbers of immigrants in EU countries. For instance, an Ipsos Mori survey discovered that "in Italy the public thinks 30% are immigrants when it's actually 7%; and in Belgium the public thinks it's 29% when it's actually 10%."[8]

In the past 18 months, most irregular migrants arriving in Europe did so in the Mediterranean region, and the number of these migrants is rising. According to UNHCR sources, 105,000 migrants arrived in Europe by sea in the first half of 2015 with 1,850 dead or missing, an increase of 112 per cent on the 49,500 who arrived in the same period during 2014. The total figures for 2014 were 219,000 arrivals by sea with 3,500 dead or missing, compared to a total of 60,000 in 2013 with 600 dead or missing.[9] Particularly shocking is that the number of dead or missing thus totals 5,350 in slightly less than 18 months.

Using a broad conception of migration arguably does not really help us to explore whether migration is a security threat. It is therefore necessary to break the concept down more precisely.

The literature on the subject uses several different categories and terms for types of migration. While some authors attempt to explain differences in attitudes towards migrants by discussing a division into acceptable and unacceptable migrants,[10] and polls and studies also point to the fact that racial considerations play a role in attitudes towards migrants, the most appropriate and useful categorization may be one that refers to the status of migrants. In particular, authors speak of undocumented migration,[11] unauthorized migration, clandestine migration,[12] illegal migration,[13] and irregular migration. Such migration is increasingly perceived by the governments and citizens of wealthier countries as a security threat.

Demetrios Papademetriou argues that "no aspect of […] interdependence seems to be more visible to the publics of advanced industrial societies than the movement of people. And no part of that movement is proving pricklier to manage effectively, or more difficult for publics to come to terms with, than irregular (also known as unauthorized, undocumented, or illegal)

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8   Ipsos Mori, *Perceptions are not reality: Things the world gets wrong*, 29 October 2014, at: https://www.ipsos-mori.com/researchpublications/researcharchive/3466/Perceptions-are-not-reality-Things-the-world-gets-wrong.aspx.
9   Cf. UNHCR, *Special Mediterranean Initiative, Plan for an enhanced operational response, June-December 2015*, 16 June 2015, pp. 4 and 7, at: http://www.unhcr.org/557ad7e49.html.
10   Cf. Robert Ford, *Acceptable and Unacceptable Immigrants: How Opposition to Immigration in Britain is Affected by Migrants' Region of Origin*, in: *Journal of Ethnic and Migration Studies*, 7/2011, pp. 1017-1037.
11   Cf. Platform for International Co-operation on Undocumented Migrants, *Who are Undocumented Migrants?* At: http://picum.org/en/our-work/who-are-undocumented-migrants.
12   Cf. Derek Lutterbeck, Policing Migration in the Mediterranean, in: *Mediterranean Poltics* 1/2006, pp. 59-82.
13   See, for example, Paul Collier, Illegal Migration To Europe: What Should Be Done? In: *Social Europe Journal*, 9 September 2014, at: http://www.social-europe.eu/2014/09/illegal-migration.

migration".[14] Indeed, recent polls also point to this: Oxford University's 2011 Migration Observatory report on public opinion on immigration in Britain suggests that the public distinguishes between "legal and illegal migration" and that opposition to migration if often focused on illegal migration.[15]

While the various terms used by scholars, policy-makers, and the media listed above are similar in that they refer to those migrants who are not authorized by countries of destination (and in some cases by countries of origin and transit), many reservations have been expressed about the impact such language may have on how such migrants are perceived, and on the consequences of this for policy-making and the welfare of migrants, among other things. A number of authors have pointed out that none of the available terms do justice to the phenomenon, and have attempted to find new terms (such as "desperate migration", or, in the context of the Mediterranean, "boat people").[16] In this paper, we will use the term "irregular migration", which, though not universally accepted, and not very precise (it encompasses a variety of types of migrants: economic migrants, asylum seekers, refugees), is used by organizations such as the IOM[17] and the EU.[18]

The IOM defines irregular migration as migration "that takes place outside the regulatory norms of the sending, transit and receiving countries". Thus, "from the perspective of destination countries it is entry, stay or work in a country without the necessary authorization or documents required under immigration regulations. From the perspective of the sending country, the irregularity is for example seen in cases in which a person crosses an international boundary without a valid passport or travel document or does not fulfil the administrative requirements for leaving the country."[19] These are not criminal offences, but rather administrative infringements, as human-

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14 Demetrios G. Papademetriou, *The Global Struggle with Illegal Migration: No End in Sight*, Migration Policy Institute, 1 September 2005, at: http://www.migrationpolicy.org/article/global-struggle-illegal-migration-no-end-sight.

15 Cf. The Migration Observatory at the University of Oxford, *Thinking Behind the Numbers: Understanding Public Opinion on Immigration in Britain*, 16 October 2011, pp. 3-4, at: http://migrationobservatory.ox.ac.uk/understanding-uk-public-opinion/executive-summary.

16 See, for example, Joseph Chamie, former director of the UN Population Division, writing on "desperate migration": Joseph Chamie, *The Dilemma of Desperate Migration. Humanitarian aid adds incentives for migrants to take risks in fleeing homelands*, YaleGlobal Online, 14 November 2013, at: http://yaleglobal.yale.edu/content/dilemma-desperation-migration; and Roderick Pace writing on "Mediterranean boat people": Roderick Pace, *Migration in the Central Mediterranean*, Jean Monnet Occasional Paper 2/2012, at: https://www.um.edu.mt/__data/assets/pdf_file/0003/179058/JMProfPacePaperMigration022013webv3.pdf.

17 Cf. IOM, cited above (Note 4).

18 Cf. European Commission, Migration and Home Affairs, *Irregular Migration & Return*, at: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/irregular-migration-return-policy/index_en.htm.

19 IOM, cited above (Note 4).

rights groups note. Indeed, international law specifically states that persons who are entitled to refugee status may not be punished for illegal entry.[20]

As we have noted, the numbers of irregular migrants have been growing. Experts consider that this is the result of four trends. The first is increased mobility as a result of globalization, advances in transport and communications, and indeed the general growth of migration. The second is increasing restrictions on opportunities for legal migration, as a result of government action. The third is the substantial mismatch that exists between the supply and demand sides for labour. The fourth trend is mass migration resulting from conflict and mass infringements of human rights, as in the cases of Syria, Libya, Iraq, Palestine, and Yemen.

The current number of irregular migrants worldwide can only be estimated. In 2010, the IOM indicated that "the overwhelming majority of migration is fully authorized. Estimates, while not exact […], suggest that only some 10-15 per cent of today's […] international migrants are in an irregular situation."[21] The EU does not provide an estimate of the numbers of irregular immigrants, but points out that "a total of 567 427 third-country nationals irregularly staying in the Member States were *apprehended* in 2009. This represents a 7% decrease compared to 2008 […]".[22] The Clandestino project provides an estimate of the numbers of irregular migrants in the EU for 2008 as 1.9-3.8 million.[23] This estimate is used widely in the relevant literature. With the EU population reported as 505.7 million (in May 2014),[24] the scale of irregular migration cannot in itself really constitute the problematic part.

To understand the issue better, it is necessary to look at irregular migration from the two perspectives of state-centric and humanitarian approaches.

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20   Cf. Convention Relating to the Status of Refugees, Article 31(1), in: UNHCR, *Convention and Protocol Relating to the Status of Refugees*, p. 29, at: http://www.unhcr.org/3b66c2aa10.html.

21   IOM, *World Migration Report 2010. The Future of Migration: Building Capacities for Change*, Geneva 2010, p. 29, at: http://publications.iom.int/bookstore/free/WMR_2010_ENGLISH.pdf.

22   European Commission/European Migration Network, *EMN INFORM, Migration and International Protection Statistics 2009*, p. 3, at: http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/emn-informs/emn_inform_migratory_statistics_2009_june_2012_final_en.pdf (emphasis in the original).

23   Cf. Hellenic Foundation for European and Foreign Policy (ELIAMEP), *Clandestino Project, Final Report*, 23 November 2009, p. 15, at: http://cordis.europa.eu/documents/documentlibrary/126625701EN6.pdf.

24   Cf. European Commission Eurostat, *Population and population change statistics*, at: http://ec.europa.eu/eurostat/statistics-explained/index.php/Population_and_population_change_statistics.

States

The public debate on the migration-security nexus tends to focus on a number of issues relating to national security, understood as the protection and promotion of the well-being of the citizens and legal residents of a state and its territory. This debate is thus state-centric in nature. As Khalid Koser argues, "the perception of migration as a threat to national security has certainly heightened in recent years, […] in part in response to the rapid rise in the number of international migrants […] and especially of 'irregular' or 'illegal' migrants […]".[25] There are of course other factors that may intensify that threat, such as when irregular migration is large scale or occurs during periods of recession. Real or imagined links to terrorism, organized crime, and health threats are at the core of the perception of irregular migration as a security threat. The "war on terrorism" and other transnational threats have been linked to migration,[26] especially irregular migration. Such threats have generally been found to be exaggerated in the public perceptions in countries of destination.[27] However, the matter of such links is a complex one, and deserves a serious and well-founded debate aimed at countering public fears.

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25 Khalid Koser, *When is Migration a Security Issue?* Brookings, 31 March 2011, at: http://www.brookings.edu/research/opinions/2011/03/31-libya-migration-koser.

26 Cf. IOM, *Essentials of Migration Management, Volume Two: Developing Migration Policy*, Geneva 2004, Section 2.8. Migration and Security, p. 6, at: http://www.rcmvs.org/documentos/IOM_EMM/v2/V2S08_CM.pdf.

27 On the issue of crime, Luca Nunziata suggests that "our empirical findings show that an increase in immigration does not affect crime victimization, but it is associated with an increase in the fear of crime, the latter being consistently and positively correlated with the natives' unfavourable attitude toward immigrants. Our results reveal a misconception of the link between immigration and crime among European natives." Luca Nunziata, *Immigration and Crime: New Empirical Evidence from European Victimization Data,* IZA Discussion Paper No. 8632, November 2014, p.1, at: http://ftp.iza.org/dp8632.pdf.

The World Health Organization suggests that "in spite of the common perception of an association between migration and the importation of infectious diseases, there is no systematic association", but rather a link between health and poverty levels. Communicable diseases tend to be imported by travellers rather than migrants. World Health Organization, Regional Office for Europe, *Migration and Health: Key Issues*, at: http://www.euro.who.int/en/media-centre/events/events/2015/11/high-level-meeting-on-refugee-and-migrant-health/news/news/2015/09/population-movement-is-a-challenge-for-refugees-and-migrants-as-well-as-for-the-receiving-population/migration-and-health-key-issues#292117.

The International Organization for Migration, in a 2010 evaluation of the link between migration and terrorism, points out that "the securitization of migration is unwarranted and unhelpful in some respects. Specifically, when migration and terrorism are linked too closely, or in a simplistic causal manner, there is a risk that policy prescriptions will be misguided or could even backfire by increasing community tensions and compromising social cohesion. The argument that there exists a link between migrants and terrorism needs to be challenged." IOM, *International Terrorism and Migration*, Geneva 2010, p. 7, at: https://www.iom.int/jahia/webdav/shared/shared/mainsite/activities/tcm/international_terrorism_and_migration.pdf.

Migration can also be perceived as threatening the social and economic fabric of countries of destination, for instance, by leading to rising unemployment. Here again, the sense that migration poses a threat can prevail even when economists argue that migration is a positive force linked to the flows of goods and money, and that European demographics actually indicate that Europe would benefit from an influx of migrants. A 2014 World Bank report states that "international migration boosts world incomes. By allowing workers to move to where they are more productive, migration results in an increase in aggregate output and income."[28]

Migration also benefits developing countries through remittances amounting to three times the total of official aid (as of 2014). Furthermore, "destination countries benefit from the cheaper and often indispensable services provided by these migrant workers. Most economies, rich and poor, would grind to a halt without international migrant workers. And in the future, demographic balances imply a growing need for and supply of international migration, especially of the lower-skilled people".[29]

Another challenge posed by irregular migration is the perception by people in transit states and, in particular, destination states that the situation is out of control, and even threatens state sovereignty. Control of movement across borders is of course one of the basic functions of a state. Thus it can be argued that "states use migration control measures to demonstrate their sovereign control over territory and to palliate public concerns that sovereignty is being undermined."[30] States determine who can enter, reside, and work in their territories, and the means they use to do so include migration management and border management policies.

Clearly there is a lack of honest debate on the above issues, and attempts to stop or at least reduce the flow of irregular migrants fuel further fears, creating a cycle of demand for security measures. Furthermore, it is of key importance to states that the entitlement to control who enters and who resides is not absolute and is restricted by a number of specific provisions of international law and human-rights obligations (as discussed below).

Humans

At the same time, the debate on migration and security reflects a general tendency to move beyond national security to embrace humanitarian concerns.

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28 The World Bank, *Migration and Remittances*, April 2014, at: http://web.worldbank.org/ WBSITE/EXTERNAL/NEWS/0,,contentMDK:20648762~menuPK:34480~pagePK:6425 7043~piPK:437376~theSitePK:4607,00.html.

29 Dilip Ratha, *The new European Agenda for Managing Migration: How to find the needle and not destroy the haystack*, The World Bank – People Move, 15 May 2015, at: http:// blogs.worldbank.org/peoplemove/new-european-agenda-managing-migration-how-find-needle-and-not-destroy-haystack.

30 International Council on Human Rights Policy, *Irregular Migration, Migrants Smuggling and Human Rights: Towards Coherence*, Geneva 2010, p. 2, at: http://www.ichrp.org/ files/reports/56/122_report_en.pdf.

While the national security perspective focuses on border management challenges that may undermine a state's sovereignty as well as the real or imagined threats that migration poses to the population of countries of destination, human security and human rights as alternative approaches to migration also consider the threats to the migrant: "The structural violence that causes many to migrate, the impact of deportation and detention policies and the hazards to personal safety of migrants resulting from the increasing reluctance of states to offer sanctuary to those genuinely in need are just some of the aspects of the nexus between migration and human security."[31] From the human-security perspective, therefore, "the main imperative is not to curb migration by all possible means but rather to prevent the loss of life in the Mediterranean, protect the migrants against the human smugglers and ensure the rights of genuine refugees."[32]

Koser argues that understanding migration as a national security issue has consequences for the kind of policies that are used to counter the perceived threat. It is used to justify "greater surveillance, detention, deportation and more restrictive policies".[33] This in turn has an impact on the human security of migrants (by encouraging them to use more dangerous routes and to turn to migrant smugglers and human traffickers, and by restricting their opportunities to reach safe countries), and on the public perception of immigration (by encouraging anti-immigrant tendencies). This is certainly true of the Mediterranean region. It is for this reason that many authors conclude that human-security threats to irregular migrants by far outweigh the national security threats that they may create.

Human security aims to protect the vital core of all human lives in ways that enhance human freedoms and human fulfilment. The thousands of deaths in the Mediterranean are attacking the most vital core of human security: life itself. From a human-rights perspective this failure is leading to a breach of the most fundamental of human rights: the right to life enshrined in Article 3 of the Universal Declaration of Human Rights, Article 6 of the International Covenant on Civil and Political Rights, and Article 2 of the European Convention of Human Rights, among others. While it may be difficult, if not impossible, to prove legal liability for the breach of the right to life on the part of the EU and its Member States in respect of these deaths at sea, there is a case for attributing a degree of moral responsibility. After all, the EU declares in its constitutive treaty that "fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and as they result from the constitutional traditions common to the Member States, shall constitute general principles of the Union's law".

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31   Thompson, cited above (Note 3).
32   Lutterbeck, cited above (Note 12), p. 64.
33   Koser, cited above (Note 25).

State-Centric Versus Human-Security Approaches

The state-centric and human-security approaches are often seen as standing in tension with each other. The debate centres on the question of whose security we ought to be concerned about – should we really focus on the security of states, or should our first concern be the security of human beings, in this case the irregular migrants?

Yet Donald Kerwin argues pointedly that "human security is often set against the concept of national security, but the two need not be at odds. Properly crafted national security policies should further human security. However, the human security framework moves the migration discussion beyond national security's narrow preoccupation with border control, detention, and the criminalization of migrants, and opens it to the conditions of insecurity that drive irregular and crisis migration. Human security also asks whether policies developed out of a misguided view of national security put people in less secure positions, like the hands of traffickers and smugglers."[34] Consequently, effective migration management and border management policies would address national security problems while enhancing the human security of the migrants. This is arguably a rather complex task, and one at which Europe seems to be failing, as is argued below.

The Situation in the Mediterranean

The General Situation

As Derek Lutterbeck notes, "the Mediterranean is nowadays considered one of the most important gateways through which undocumented immigrants seek to reach the EU".[35] There has been a considerable increase in the numbers of irregular migrants arriving on boats since 2011, especially in Italy and Greece, but also in other northern Mediterranean states. The majority of irregular migrants arrive in the EU across the Mediterranean Sea. Frontex, the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union reports that, in the second quarter of 2014, some 90 per cent of the irregular migrants arriving in the EU were reported from its sea border, mostly in southern Italy.[36]

Frontex also suggests that 2014 "has been a truly disastrous year for irregular migrants attempting the perilous sea-crossing from North Africa to Europe. A troubling spike in serious armed conflicts around the world, from Mali in West Africa through to Gaza, Syria, Iraq and beyond, has proved a

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34 Donald Kerwin, *Human Security, Civil Society and Migration*, p. 3 at: https://docs. unocha.org/sites/dms/HSU/Kerwin statement.pdf.
35 Lutterbeck, cited above (Note 12), p. 61.
36 Cf. Frontex, *FRAN Quarterly, Quarter 2, April-June 2014*, p. 5, at: http://frontex.europa. eu/assets/Publications/Risk_Analysis/FRAN_Q2_2014.pdf.

bonanza for the people smugglers – with strife-torn Libya now by far the most favoured point of departure. The figures are staggering."[37] This trend continued in the first half of 2015, despite increased action on the part of the EU. Meanwhile, the number of people who perish while trying to cross the Mediterranean continues to grow.

Migrants Crossing the Mediterranean

UNHCR figures show that the top three nationalities of migrants crossing the Mediterranean by sea for the period January to June 2015 were Syrians, Afghans, and Eritreans.[38] In the case of Syria and Afghanistan, the reasons for migration are abundantly clear. In Syria, the danger to civilians from the ongoing civil war has reached an even greater level with the expansion of Islamic State (IS). The barbarous acts performed by IS in Syria do not need to be recited here, given how clearly they have been recorded by the international media.[39] The death toll as a result of the violence in Syria exceeded 210,000 in early 2015.[40]

In the case of Afghanistan, the security situation remains difficult, with the Taliban and other insurgent forces making inroads in various locations. This is recorded by the EU's own European Asylum Support Office (EASO), whose report on the Afghan security situation states that "armed insurgent groups, such as the Taliban and Hezb-e Islami Afghanistan, have increasingly conducted large scale attacks on the ANSF [Afghan National Security Forces]. The insurgents have been increasingly successful in conquering and holding territory, but the ANSF generally still manage to control large city centres and towns in most of the country. As from 2013, this increase in attacks has led to more civilian casualties mainly inflicted by crossfire, mortar and artillery shelling".[41]

Eritrea presents a different but equally distressing situation for civilians. The country is ruled by a military dictatorship, which has engaged in systematic and grave human-rights abuses such as forced labour, arbitrary arrests, torture, and the suppression of religious freedoms.[42] The security situation is

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37   Frontex, *People smugglers: the latter day slave merchants*, 30 September 2014, at: http://frontex.europa.eu/feature-stories/people-smugglers-the-latter-day-slave-merchants-UArKn1.
38   Cf. UNCHR, cited above (Note 9), pp. 4.
39   See, for example, *ISIL on 24-hour "Killing Rampage" in Syria's Kobane*, Al Jazeera, 27 June 2015, at: http://www.aljazeera.com/news/2015/06/isil-24-hour-killing-rampage-kobane-150626144824173.html.
40   Cf. *Syria death toll now exceeds 210,000: rights group*, Reuters, 7 February 2015, at: http://www.reuters.com/article/2015/02/07/us-mideast-crisis-toll-idUSKBN0LB0DY20150207.
41   European Asylum Support Office, *Press Release, Afghanistan security situation*, PR 01/2015, 13 February 2015, p. 2, at: https://easo.europa.eu/wp-content/uploads/Press-release-Afghanistan-security-situation.pdf.
42   Cf. Human Rights Watch, *Eritrea*, at: https://www.hrw.org/africa/eritrea.

so dire that travel warnings have been issued by a number of EU countries and the USA.[43]

Between them, these three countries account for over 60 per cent of migrants crossing the Mediterranean by sea.[44] This context enables us to better comprehend the nature of the current wave of Mediterranean sea crossings. The great majority of these migrants are fleeing from armed conflict, civil strife, and grave human-rights abuse. There is thus a clear prima facie case for them to be regarded as refugees in terms of the Refugee Convention. Within this context, it is important to highlight the role of international law, which seeks to protect migrants and refugees as persons who require special protection due to their vulnerability as a result of their being outside the jurisdiction of the state of their nationality. International law thus provides dual protection for migrants and refugees: (i) general protection under human-rights treaties applicable to all persons and (ii) specific protection applicable to particular categories of persons (in this case migrants and refugees). One needs to stress that, according to the EASO, nationals coming from these countries of origin who manage to make it to EU member states are almost invariably granted protection.[45] The key problem lies in the fact that these individuals, who are entitled to receive protection, are often unable to enter Europe legally and thus face great peril in accessing the protection they need and the rights that accompany it.

The Refugee Convention defines a refugee as any person who, "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country [...]"[46] The notion of persecution is particularly central, as it underscores the reason why refugees require special protection. Under international law, individuals fleeing persecution have not only the right to be accorded refugee status but also the right not to be returned to places where they are in danger (the principle of non-refoulement). Quite apart from legal obligations that exist towards such people once they reach European territory, countries that claim to be guided by human rights and humanitarian principles also have a moral obligation to assist people fleeing violent conflict and human-rights abuses.

As well as people who are eligible for refugee status under international law because they are fleeing persecution and warfare, the second category of individuals who are migrating across the Mediterranean are those who are

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43 See, for example, US Department of State, Bureau of Consular Affairs, *Eritrea Travel Warning*, at: http://travel.state.gov/content/passports/english/alertswarnings/eritrea-travel-warning.html; and the UK government's travel advice: *Foreign travel advice, Eritrea,* at: https://www.gov.uk/foreign-travel-advice/eritrea.

44 Cf. UNHCR, cited above (Note 9), p. 4.

45 Cf. European Asylum Support Office, *Annual Report on the Situation of Asylum in the European Union 2014*, July 2015, p. 26, at: https://easo.europa.eu/wp-content/uploads/EASO-Annual-Report-2014.pdf.

46 *Convention Relating to the Status of Refugees*, cited above (Note 20), Article 1(2), p. 14.

often referred to as "economic migrants". Alongside Syria, Afghanistan, and Eritrea, significant numbers of migrants crossing the Mediterranean also originate in countries such as Mali, Nigeria, Gambia, and Senegal. These are all countries with low human development index ratings. People who leave these countries do so, in the main, because they are looking for employment, better healthcare for themselves and their families, and better education and prospects for their children. These are not unlike the reasons that led millions of Europeans to migrate to the USA in the 19th and 20th centuries. In effect, such economic migrants are in search of a greater degree of human security and a deeper fulfilment of their human rights. It has been argued that human security "means creating political, social, environmental, economic, military and cultural systems that together give people the building blocks of survival, livelihood and dignity".[47] The social, environmental, and economic concerns that lead economic migrants to leave their country of origin are important ways of contextualising the discussion of economic migration. From a human-rights perspective, it is important to recall that the right to work, the right to health, and the right to education are also human rights under international law (enunciated, e.g., in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights).

The EU Response

The EU's response to the situation in the Mediterranean points to an unresolved tension between approaches stressing national security and those that focus on human security. While official rhetoric takes note of the humanitarian considerations of saving lives and guaranteeing the human rights of irregular migrants, and the need to address the root causes of increased migration (conflicts, human-rights abuses, poverty, and socio-economic factors such as unemployment in the countries of origin), the response focuses largely on measures intended to curtail irregular migration by means of migration management and border management.

The EU's immediate response to the tragedies of April 2015 (among the worst in terms of loss of lives in the Mediterranean) is indicative of the focus on state security-based approaches. The response, adopted in the weeks following these tragedies and known as the Ten-Point Plan, focused on ten key areas:

- "Reinforce the Joint Operations in the Mediterranean, namely Triton and Poseidon, by increasing the financial resources and the number of assets. We will also extend their operational area, allowing us to intervene further, within the mandate of Frontex;

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47 Commission on Human Security, *Human Security Now*, New York 2003, p. 4.

- A systematic effort to capture and destroy vessels used by the smugglers. The positive results obtained with the Atalanta operation should inspire us to similar operations against smugglers in the Mediterranean;
- EUROPOL, FRONTEX, EASO and EUROJUST will meet regularly and work closely to gather information on smugglers modus operandi, to trace their funds and to assist in their investigation;
- EASO to deploy teams in Italy and Greece for joint processing of asylum applications;
- Member States to ensure fingerprinting of all migrants;
- Consider options for an emergency relocation mechanism;
- A EU wide voluntary pilot project on resettlement, offering a number of places to persons in need of protection;
- Establish a new return programme for rapid return of irregular migrants coordinated by Frontex from frontline Member States;
- Engagement with countries surrounding Libya through a joined effort between the Commission and the EEAS; initiatives in Niger have to be stepped up.
- Deploy Immigration Liaison Officers (ILO) in key third countries, to gather intelligence on migratory flows and strengthen the role of the EU Delegations."[48]

These points focus primarily on the smugglers who ferry the migrants across the Mediterranean Sea, mostly on unseaworthy vessels. However, targeting smugglers is merely targeting a symptom rather than a cause. The root cause of the migration, as has been outlined above, is human insecurity related to conflict, persecution, and poverty. The destruction of smugglers' capacities, assets, and networks does nothing to address these causes of human insecurity, or the resulting need to cross the Mediterranean Sea. As already mentioned, the dangerous sea crossings are themselves in part also the result of the "Fortress Europe" mentality that is buttressed by a highly bureaucratic visa procedure for the Schengen area, which makes authorized travel into the European Union all but impossible for people escaping conflict, persecution, or poverty.

While the Ten-Point Plan attempts to deal with the deaths at sea by increasing the financial resources and military assets dedicated to saving lives, it fails to address the root causes of this seaborne migration. What does stand out, apart from the emphasis on smugglers, are the references to traditional approaches to border management such as fingerprinting of migrants, intelligence gathering, rapid return of irregular migrants, and engaging with countries of origin (with the inference that such engagement is directed at stopping migrants from crossing). It is telling that nowhere in the ten points is

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48   European Commission, *Joint Foreign and Home Affairs Council, Ten Point Action Plan on Migration*, Luxembourg, 20 April 2015, at: http://europa.eu/rapid/press-release_IP-15-4813_en.htm.

there any reference to the human rights, human dignity, and human security of migrants.

The follow-up to the Ten-Point Plan, and the key document currently guiding the EU's approach to managing migration is the European Agenda on Migration,[49] which was adopted on 13 May 2015. This document adopts an approach that is evidently more comprehensive and nuanced. It also demonstrates, at least in terms of the language used, a willingness to engage with migration from a human-security perspective. In its introduction, the Agenda states that "the collective European policy on the matter has fallen short" and expresses the aim to halt "the human misery created by those who exploit migrants" and arguing that to do so "we need to use the EU's global role and wide range of tools to address the root causes of migration".[50] This focus on human misery and root causes is important, though the implication that this misery is created by smugglers is both simplistic and incomplete. The misery, as highlighted above, is caused by numerous factors that threaten human security, such as conflict, abuses of human rights, or persistent poverty. The Agenda further states that "Europe should continue to be a safe haven for those fleeing persecution as well as an attractive destination for the talent and entrepreneurship of students, researchers and workers. Upholding our international commitments and values while securing our borders and at the same time creating the right conditions for Europe's economic prosperity and societal cohesion is a difficult balancing act that requires coordinated action at the European level."[51]

The Agenda is based on four pillars: (i) reducing incentives for irregular migration; (ii) border management and saving lives at sea; (iii) a strong common asylum policy; and (iv) a new policy on legal migration. The pillar relating to reducing incentives for irregular migration emphasises countering smuggling as well as procedures for the return of migrants. Within this pillar, the traditional state-centric security approach is clear and unequivocal. Likewise, the measures on border management and saving lives, though ostensibly paying attention to the imperative of saving lives at sea, also dwell considerably on border management from a state-centric perspective. They emphasize the EU's need to manage its borders more efficiently, highlighting the use of various technologies that the Agenda claims can "bring benefits to border management, as well as to enhance Europe's capacity to reduce irregular migration and return irregular migrants".[52] Thus the reduction of migratory flows into the EU seems to be an important concern here as well; a

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49   Cf. European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, A European Agenda on Migration*, Brussels, 13 May 2015, at: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf.
50   Ibid., p. 2.
51   Ibid.
52   Ibid., p. 11.

point that is reiterated when the Agenda discusses the EU's idea of "smart borders", which are envisaged as assisting in "the fight against irregular migration by creating a record of all cross-border movements by third country nationals".[53]

The pillar relating to the creation of a strong European asylum policy should, in principle, have offered an opportunity to focus significantly on the human aspects of migration: human rights, human security, and the dangers migrants face. Instead, after opening with the brief and clichéd statement that "all asylum applications must be processed and protection granted to those who qualify", this section continues: "One of the weaknesses exposed in the current policy has been the lack of mutual trust between Member States, notably as a result of the continued fragmentation of the asylum system. This has a direct impact on asylum seekers who seek to 'asylum shop', but also on EU public opinion: it encourages a sense that the current system is fundamentally unfair."[54]

The focus once again seems to be on the states, on European public opinion, which shapes government behaviour, and on the EU itself. The reference to unfairness in the quoted passage refers to perceived unfairness towards certain member states; an intriguing perspective in a text that ostensibly concerns asylum seekers.

In the final pillar, entitled "a new policy on legal migration", the Agenda sets out a plan to increase legal avenues for migration in order to meet the EU's economic and demographic challenges. The Agenda also refers to the EU's Blue Card Directive,[55] which it proposes should be implemented more widely, and to the modernization of visa policy. This section also contains arguments for the integration of development and migration policies and for the facilitation of remittance transfers. Most of these measures, if implemented, would be welcome improvements to the EU's migration policy, although the discourse still appears to be dominated by a state-centric approach that focuses primarily on the needs of member states and the EU as a whole.

On the whole, in terms of human aspects of migration, the EU Agenda on Migration is disappointing. The introduction strikes a refreshing note with passages such as "Throughout history, people have migrated from one place to another […] Every person's migration tells its own story. Misguided and stereotyped narratives often tend to focus only on certain types of flows, overlooking the inherent complexity of this phenomenon, which impacts society in many different ways and calls for a variety of responses […] The immediate imperative is the duty to protect those in need."[56] Notwithstanding this auspicious start, the rest of the document contains scant references to

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53 Ibid.
54 Ibid., p. 12.
55 Cf., for example, *EU Blue Card – Live and work in the European Union!* At: http://www.eu-bluecard.com.
56 European Commission, cited above (Note 49), p. 2.

human security and human rights, while state-centric approaches remain at the centre of EU migration policy. The European Agenda on Migration acknowledges that the EU needs "to strike the right balance in its migration policy".[57] Yet the balance remains very much in favour of state-centric approaches and perspectives.

As authors such as Derek Lutterbeck note, there has been "a considerable expansion and intensification of policing and law enforcement activities in and across the Mediterranean sea. […] this has involved both an increasing deployment and upgrading of various types of security forces involved in policing the Mediterranean, as well as a considerable deepening of law enforcement co-operation between countries north and south of the Mediterranean."[58] Apart from this, it is used to justify detention, deportation, pushback, and other restrictive policies.

Public opinion and the changing political landscape in a number of EU member countries, where right-wing political forces have grown in strength in recent years, are likely to further impact on changing the balance of state-centric and humanitarian approaches towards irregular migration. But the securitization of migration, especially irregular migration, has significant consequences, including hidden costs, and creates a self-perpetuating (vicious) circle of supply and demand for security. Such processes serve short-term needs but are arguably not in the long-term interests of the developed countries of destination with respect to the preservation of human rights and liberal values.

Conclusion

Labelling an issue as a security threat to states has significant implications in term of laws, norms, policies, and procedures. In relation to migration, the label has been used to justify harsh and restrictive policies. These policies impact on the migrants, reducing the ability of asylum seekers to access safe countries, forcing them to turn to people smugglers and human traffickers, and to undertake unsafe passages, and contributing to growing anti-migrant tendencies. They also create a gap between the protection that migrants formally enjoy under international law and the realities they experience as they travel and work across different countries. As a result, differences are growing between the interests of migrants and those of the states trying to control their movements and entry, as is the gap between the interests of governments and the aims of NGOs and civil societies in these countries.

In the Mediterranean, the complexity of the situation, which is characterized by sea borders, weak and conflict-stricken states, and the recent surge in irregular migration and loss of human life, makes the issue particularly

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57 Ibid., p. 6.
58 Lutterbeck, cited above, (Note 12), p. 60.

relevant. The EU's current policies show how difficult it is to develop approaches that strike a balance between national and human security. Is it possible to reconcile these two perspectives in the Mediterranean? There is an urgency to this question, as some are arguing that "Europe's immigration nightmare is only beginning",[59] given the socio-economic disparities between the countries north and south of the Mediterranean Sea, and particularly the conflicts currently ravaging the region. The Mediterranean is becoming a militarized and heavily patrolled area. Recent events such as the drownings of irregular migrants and the debate on the maritime operations Mare Nostrum and Triton expose the EU's difficulty in framing the issue.

Alongside effective policies for migration management and border management, Europe also urgently needs to find innovative means of both toning down the aggressive public debate by presenting hard facts and of working towards protecting the human rights and human security of the migrants. Efforts to address the genuine security challenges that irregular migration poses for developing countries must go hand-in-hand with measures of this kind, as well as with a development agenda that tackles the root causes of irregular migration. The EU clearly has much work ahead if it is to craft approaches to migration and border management that take account of these broad concerns. But the first step will be to acknowledge that its actions belie its rhetorical focus on the human security of migrants and to finally act in accordance with its declared principles and founding documents.

This contribution has argued that the EU has maintained a primarily state-centric approach in managing migration across the Mediterranean. In doing so, it has failed to uphold the human-rights principles upon which it is founded. Transforming the EU's migration policy to pay greater attention to humanitarian aspects of the phenomenon is evidently difficult. The governments of EU member states, which maintain a key voice in shaping EU migration policy, easily fall prey to the temptation of pandering to anti-migration sentiments, especially at a time of economic hardship. We therefore suggest that a critical step in shifting the EU's migration policy will be to change the terms of the debate around migration within the EU. EU citizens need to be encouraged to engage with this debate by means of efforts that seek to highlight (i) relevant international laws and norms: the ones that concern human rights, migration, and refugees, (ii) the fact that migration and forced migration are realities of the world around us and that developing countries are actually hosting more forcefully displaced persons; and (iii) that migration is not an economic problem but overall, in the long term, an economic opportunity. This latter point is especially relevant at a time of economic crises, when fear of migrants "stealing" jobs, housing, or welfare support is widespread. Within this context, the discussion should centre around guaranteeing access to socio-economic rights for everyone, and not on zero-

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59 Khalid Koser, *Why Europe's immigration nightmare is only beginning*, CNN, at: http://edition.cnn.com/2013/10/30/opinion/europe-immigration-debate-koser.

sum games. Were these elements to enter European public debate to a far greater degree, European citizens and governments might develop a more reasonable, balanced, and and comprehensive attitude that focuses on both the human dimension of migration and on the economic benefits that accrue for everyone. The EU institutions, its member states, and its citizens need to decide whether they are to live up to their declared principles or merely to maintain a rhetoric of humanitarianism while pursuing policies of narrow, and in some cases bigoted, self-interest.

Paul Holtom

The OSCE and the Arms Trade Treaty: Complementarity and Lessons Learned

Introduction

The Arms Trade Treaty (ATT) is a legally binding agreement that provides internationally agreed standards for the regulation of the international arms trade. The United Nations (UN) process to negotiate the ATT began in 2006, and brought together UN member states, international and regional organizations, civil society, and arms industry representatives.[1] The process was expected to conclude in July 2012 at the UN Conference on the ATT, but the UN member states agreed to hold a Final Conference on the ATT in March 2013. Iran, Syria, and North Korea formally blocked the adoption of the ATT on the last day of the Final Conference, with several other states declaring that they would not vote in favour of adopting the ATT.[2]

Nevertheless, a treaty text was presented to the UN General Assembly on 2 April 2013 and adopted by 156 states, with three states opposing and 22 abstentions.[3] The ATT opened for signature on 3 June 2013 and entered into force on 24 December 2014, ninety days after the fiftieth state deposited its instrument of ratification. The first Conference of States Parties (CSP) was held in Mexico from 24-27 August 2015. Three informal consultations were held in Mexico City (Mexico, 8-9 September 2014), Berlin (Germany, 27-28 November 2014) and Vienna (Austria, 20-21 April 2015) and two preparatory meetings were held in Port-of-Spain (Trinidad and Tobago, 23-24 February 2015) and Geneva (Switzerland, 6-8 July 2015) in advance of the first CSP. Four working groups were established at the first preparatory meeting in Port-of-Spain to consider issues relating to financing, the rules of procedure for CSP, the ATT Secretariat, and reporting templates.

1   On the background to the UN process, see: Paul Holtom/Mark Bromley, Arms trade treaty negotiations, in: *SIPRI Yearbook 2013: Armaments, Disarmament and International Security*, Oxford 2013, pp. 423-431; Paul Holtom, The Arms Trade Treaty, in: *SIPRI Yearbook 2014: Armaments, Disarmament and International Security*, Oxford 2014, 2014, pp. 445-450; Sarah Parker, Breaking new ground? The Arms Trade Treaty, in: *Small Arms Survey 2014: Women and Guns*, Cambridge 2014, pp. 76-107.

2   Cf. Ray Acheson, The failure of consensus, in: *Arms Trade Treaty Monitor* 10/2013, pp. 1-2.

3   The original vote in the UN General Assembly on 2 April 2013 recorded 154 states in favour, three states against, and 23 abstentions. However, Angola changed its abstention to a vote in favour of the treaty text and Cape Verde decided to vote in favour rather than be marked as not present, cf. United Nations General Assembly, Sixty-seventh session, *71st plenary meeting*, A/67/PV.71, 2 April 2013, at: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/67/PV.71.

OSCE participating States played an active role in the ATT negotiations, with Finland and the UK among the seven original co-sponsors of the General Assembly resolution of 2006 that started the UN process. Fifty-one OSCE participating States voted in favour of adopting the ATT in the UN General Assembly on 2 April 2013; two states abstained (Belarus and the Russian Federation); and four did not participate in the vote (Armenia, Tajikistan, Uzbekistan, and the Holy See).[4] As Appendix 1 on pages 341-342 shows, as of 31 December 2015, forty-five of the fifty-seven OSCE participating States had signed the ATT and thirty-eight were States Parties.[5] Half of the States Parties are thus OSCE participating States. Two OSCE participating States (Austria and Switzerland) sought to host the ATT Secretariat, with Geneva selected as the host city during the first CSP. The European Union (EU) and its member states have stressed that the OSCE can play an important role with regard to the universalization and implementation of the ATT.[6] In a May 2015 statement to the OSCE Forum for Security Cooperation (FSC), the EU stated that the OSCE "can play an important role […] in the promotion and the implementation of the Arms Trade Treaty (ATT) in the OSCE area […] providing assistance to participating States, upon their request, in implementing the Treaty and bringing in line relevant ATT and OSCE norms in the field of arms transfers and export controls".[7]

This contribution provides an overview of the complementarity between the ATT and several relevant OSCE instruments and tools aimed at regulating international arms transfers, combating the illicit arms trade, and increasing transparency in the international arms trade. The overall aim of the contribution is to address the question: "How can the OSCE and participating States contribute towards effective implementation of the ATT?" To this end, it examines several areas in which the OSCE experience can provide guidance and lessons learned for ATT implementation:

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4   Cf. ibid., pp. 12-13.
5   Cf. United Nations Office for Disarmament Affairs (UNODA), Disarmament Treaties Database, *Arms Trade Treaty*, at: http://disarmament.un.org/treaties/t/att.
6   Cf. European Union, *OSCE Forum for Security Co-operation Nr 727, Vienna, 18 September 2013, EU Statement on the Arms Trade Treaty*, FSC.DEL/147/13, 18 September 2013; Statement by the Delegation of Germany in: OSCE Forum for Security Co-operation, *720th plenary meeting of the Forum*, FSC.JOUR/726, 5 June 2013; European Union, *OSCE Forum for Security Co-operation Nr 741 Vienna, 18 December 2013, EU Statement on the Arms Trade Treaty*, FSC.DEL/203/13, 18 December 2013; OSCE Forum for Security Co-operation, *EU Statement on the Forthcoming Entry into Force of the Arms Trade Treaty*, FSC.DEL/163/14, 1 October 2014; OSCE Forum for Security Co-operation, *767th plenary meeting of the Forum*, FSC.JOUR/773, 22 October 2014; European Union, *OSCE Forum for Security Co-operation Nr 788 Vienna, 13 May 2015, EU Statement on Small Arms and Light Weapons and Stockpiles of Conventional Ammunition*, FSC.DEL/89/15, 13 May 2015; European Union, *OSCE Forum for Security Co-operation Nr 790, Vienna, 27 May 2015, EU Statement on Conventional Arms Transfers*, FSC.DEL/105/15, 28 May 2015.
7   European Union, *EU Statement on Conventional Arms Transfers*, cited above (Note 6), pp. 1-2.

- instruments and guidelines to develop good practices for controlling and regulating international arms transfers (including small arms and light weapons (SALW), ammunition/munitions, and related parts and components);
- criteria for risk assessment before authorizing arms exports;
- a mechanism for exchanging information on transfer control polices, practices, and procedures;
- a mechanism for reporting on international arms transfers; and
- international assistance.

The contribution concludes by focusing on three areas in which it is expected that the OSCE could promote the ATT and support its implementation.

The Arms Trade Treaty

The ATT aims to prevent the illicit arms trade in order to contribute to peace, security, and stability; reduce human suffering; and promote co-operation, transparency, and responsible action in the arms trade.[8] It contains obligations for States Parties to implement at the national and international levels. At the national level, the ATT obliges States Parties to establish and maintain an effective national system to control exports and regulate imports, transit/transhipment, and brokering activities relating to the eight categories of conventional arms covered by the ATT:

a. battle tanks;
b. armoured combat vehicles;
c. large-calibre artillery systems;
d. combat aircraft;
e. attack helicopters;
f. warships;
g. missiles and missile launchers; and
h. small arms and light weapons.

In addition, the system seeks to control exports of related ammunition and of parts and components that are used for assembling conventional arms covered by the treaty. The treaty provides some guidance on the key elements for a national system such as:[9]

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8   Cf. United Nations, *The Arms Trade Treaty*, Article 1 (hereinafter: ATT), full treaty text in: United Nations of Disarmament Affairs (UNODA), at: http://www.un.org/disarmament/ATT.
9   Adapted from: Paul Holtom/Mark Bromley, Next Steps for the Arms Trade Treaty: Securing Early Entry into Force, in: *Arms Control Today*, June 2013, p. 10.

- competent national authorities responsible for maintaining the system;[10]
- a national control list that covers at a minimum the eight categories of conventional arms, ammunition/munitions, and parts and components identified in the treaty;[11]
- national records for each export authorization or delivery of conventional arms for at least ten years (and preferably also records on arms imports and transit/transhipment authorizations);[12]
- appropriate measures to enforce national laws and regulations to implement the treaty.[13]

The designated competent authorities will be required to perform the following actions to implement the treaty at the national level:

- prohibit transfers of conventional arms, ammunition, or parts and components for the eight categories of conventional arms covered by the ATT that would violate obligations under Chapter VII of the UN Charter or international agreements relating to the transfer or illicit trafficking of conventional arms, or where there is knowledge that the items will be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva conventions of 1949, or other war crimes;[14]
- review applications for exports of the eight categories of conventional arms covered by the treaty and conduct a national assessment on the risk that the exported arms could have negative consequences for peace, security, and human rights. A State Party shall deny an arms export if the assessment determines that there is an overriding risk that the exported arms will be used to commit or facilitate a serious violation of international humanitarian or human rights law or offenses under international conventions or protocols relating to terrorism or international organized crime. States Parties also are obliged to take into account the risk of the exported arms being used to commit or facilitate serious acts of gender-based violence or violence against women and children; [15]
- take measures to regulate imports, transit/transhipment (where necessary and feasible), and brokering taking place under its jurisdiction;[16]
- take measures, including risk assessments, mitigation measures, co-operation, and information sharing, to prevent the diversion of conven-

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10   Cf. ATT, cited above (Note 8) Article 5.5.
11   Cf. ibid., Articles 2.1, 3, 4, and 5.3.
12   Cf. ibid., Article 12.
13   Cf. ibid., Article 14.
14   Cf. ibid., Article 6.
15   Cf. ibid., Article 7.
16   Cf. ibid., Articles 8, 9, and 10.

tional arms to the illicit market or for unauthorized end use and end users.[17]

At the international level, States Parties are expected to engage in international co-operation and seek international assistance, where necessary, to implement their national systems.[18] In addition, States Parties are encouraged to provide international assistance to enable other States Parties to implement the ATT and fulfil their obligations.[19] Article 13 of the ATT, entitled "Reporting", most clearly relates to one of the ATT's declared purposes of promoting transparency in the international arms trade, obliging States parties to make available:

- an initial, one-off report on measures undertaken to implement the treaty, including national laws, regulations, and administrative measures; and
- an annual report on authorized or actual exports and imports of conventional arms.

States Parties are also encouraged to share information on good practices in combating diversion.[20] The ATT provides an indicative list of elements for the one-off report, and States Parties can utilize the annual reports on imports and exports of seven categories of conventional arms, and background information on international transfers of SALW that are submitted annually to the UN Register of Conventional Arms (UNROCA). In addition, a working group was established to develop templates for the initial one-off report and annual report on arms exports and imports. The provisional templates were presented at the first CSP in Mexico in August 2015, but were not adopted by the CSP.

    The ATT does not provide detailed descriptions and definitions for these key elements because States Parties can take different approaches to fulfilling their ATT obligations. However, many of the key elements of the ATT already appear in existing international and regional instruments relating to transfers of conventional arms, including SALW. For OSCE participating States, which have acquired two decades of experience in the field of regulating international arms transfers and addressing the illicit arms trade, there are many familiar elements in the ATT. It therefore seems logical that OSCE instruments and experience will be of great value for those states seeking to effectively implement the ATT.

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17   Cf. ibid., Article 11.
18   Cf. ibid., Articles 15 and 16.
19   Cf. ibid., Article 16.
20   Cf. ibid., Articles 11.6 and 13.2.

The OSCE has adopted several instruments that contribute to the implementation of the key UN processes relating to responsible transfers of conventional arms, in particular the UNROCA, the United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects (UNPoA), and the UN Exchange of National Legislation on Transfer of Arms, Military Equipment and Dual-use Goods and Technology.[21] Since the adoption of the Document on Small Arms and Light Weapons (SALW Document) on 24 November 2000, the OSCE has focused predominantly on instruments and guidelines to strengthen SALW transfer controls and address the illicit SALW trade.[22] Although adopted before the UNPoA, the SALW Document complements the UN instrument as it "sets forth norms, principles and measures to address the threat posed to the international community by the excessive and destabilizing accumulation and uncontrolled spread of SALW".[23]

The SALW Document has been supplemented by a series of best practice guides to assist with its implementation, and a series of principles, elements, and best practice guidelines for measures to strengthen national transfer control systems and address diversion and trafficking. In June 2012, the SALW Document was reissued with the following FSC Decisions on arms transfer controls and trafficking attached as annexes:

- FSC Decision No. 5.04, Standard Elements of End-User Certificates and Verification Procedures for SALW Exports;
- FSC Decision No. 8/04, OSCE Principles on the Control of Brokering in Small Arms and Light Weapons;
- FSC Decision No. 5/08, Updating the OSCE Principles for Export Controls of Man-Portable Air Defence Systems (MANPADS);

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21   Cf. United Nations, *Report of the Disarmament Commission, General Assembly Official Records, Fifty-first Session, Supplement No. 42*, (A/51/42), 22 May 1996, Annex 1, Guidelines for international arms transfers in the context of General Assembly resolution 46/36 H of 6 December 1991; The UN Exchange of "National Legislation on Transfer of Arms, Military Equipment and Dual-use Goods and Technology" was established by UN General Assembly resolution 57/66 of 22 November 2002 and adopted subsequently by UN General Assembly resolutions 58/42 of 8 December 2003; 59/66 of 3 December 2004; 60/69 of 8 December 2005; 62/26 of 5 December 2007; 64/40 of 2 December 2009; 66/41 of 2 December 2011; and 68/40 of 5 December 2013.

22   Cf. Organization for Security and Co-operation in Europe, *OSCE Document on Small Arms and Light Weapons*, FSC.DOC/1/00 adopted on 24 November 2000.

23   FSC Chairperson's Progress Report to the Twenty-First Meeting of the Ministerial Council on the Continuing Implementation of the OSCE Document on Small Arms and Light Weapons (Annex 3 to MC.GAL/2/14 of 1 December 2014), in: Organization for Security and Co-operation in Europe, *Basel 2014, Twenty-First Meeting of the Ministerial Council 4 and 5 December 2014*, MC21EW89, pp 104-125, p. 105.

- FSC Decision No. 11/08, Introducing Best Practices to Prevent Destabilizing Transfers of Small Arms and Light Weapons through Air Transport and on an Associated Questionnaire; and
- FSC Decision No. 15/02, Expert Advice on Implementation of Section V of the SALW Document.[24]

OSCE participating States have therefore developed a range of instruments and guidance tools that can also support the implementation of the ATT and help to operationalize some of its more ambiguous provisions. In several cases, these draw on initiatives undertaken in the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies. At the same time, it has also been recommended that a comprehensive review of the 2003 best practice guidelines "might be necessary" given the new FSC decisions that have been adopted since 2003, as well as developments at the global level, in particular the ATT.[25]

Criteria for Risk Assessment before Authorizing Arms Exports

The OSCE Principles Governing Conventional Arms Transfers (Principles), adopted on 25 November 1993, represent one of the first internationally agreed sets of criteria to be used in risk assessments conducted before authorizing an export of conventional arms.[26] The Principles were utilized as the basis for the "common export criteria" contained in the SALW Document, albeit with some revisions and additions.[27]

The Principles and common export criteria consist of two tiers. The first is to be taken into account when considering whether to authorize or deny an arms export and focus on the recipient country's international standing (i.e. respect for human rights, use of force, non-proliferation) and whether the arms are in line with the proposed recipient's legitimate needs and capabilities.[28] The second tier criteria require participating States to avoid authoriz-

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24 Organization for Security and Co-operation in Europe, *OSCE Document on Small Arms and Light Weapons*, FSC.DOC/1/00/Rev.1, adopted on 20 June 2012.

25 Organization for Security and Co-operation in Europe, FSC Chairperson's Progress Report on the Continuing Implementation of the OSCE Document on Small Arms and Light Weapons, Annex 3 to Organization for Security and Co-operation in Europe, Ministerial Council, Kyiv 2013, *Letter from the Chairperson of the Forum for Security Co-operation to the Minister for Foreign Affairs of Ukraine, Chairperson of the Twentieth Meeting of the Ministerial Council*, MC.GAL/2/13, 29 November 2013, p. 20 Attachment A: Conclusions of the SALW mapping study for possible follow-up work.

26 Cf. Joanna van Vliet, Principles Governing Conventional Arms Transfers, in: Institute for Peace Research and Security Policy at the University of Hamburg/IFSH (ed.), *OSCE Yearbook 1995/96*, Baden-Baden 1997, pp. 265-272, here: pp. 266-67.

27 Cf. *Document on Small Arms and Light Weapons*, cited above (Note 22), Section III, Article A.2.

28 Cf. Organization for Security and Co-operation in Europe, *Principles Governing Conventional Arms Transfers*, DOC.FSC/3/96, 25 November 1993, Article 4a.

ing a transfer if there is a risk of the arms being used to violate or suppress human rights or for other forms of repression, to threaten or attack other states, to support or encourage terrorism, to facilitate organized crime, or to be diverted for such uses.[29]

There are several elements common to both the OSCE Principles and common export criteria and Articles 6 and 7 of the ATT. For example, Article 6 of the ATT prohibits the transfer of conventional arms if the transfer would violate UN arms embargoes or international agreements relating to arms transfers and trafficking, and the same obligation is contained in the OSCE Principles and the SALW Document's common export criteria.[30] However, the structure and contents of the ATT's Articles 6 and 7 do not match perfectly with the two tiers of the OSCE Principles and common export criteria. Further, the risk assessment process outlined in the ATT contains "mitigation measures" that are not included in the OSCE documents. It has been proposed that the OSCE considers reviewing the Principles and common export criteria in light of Articles 6 and 7 of the ATT.[31]

Mechanism for Exchanging Information on Export Control Polices, Practices, and Procedures

The OSCE participating States have considerable experience of an intergovernmental mechanism for exchanging information on their national transfer control systems. The FSC adopted Decision No. 20/95, Questionnaire on Conventional Arms Transfers, in November 1995 as a one-off information exchange between participating States on national policy, practices, and procedures for the export of conventional arms and related technology.[32] The SALW Document also established a mechanism for a one-off intergovernmental information exchange on "relevant national legislation and current practice on export policy, procedures, documentation and on control over international brokering in small arms".[33] The rationale for the exchange was to "spread awareness of 'best practice' in these areas".[34] Fifty-six of the 57 participating States have provided information on their SALW transfer control systems, and continue to provide updates.[35] The OSCE approach used for

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29   Cf. ibid., Article 4b.
30   Cf. ATT, cited above (Note 8), Article 6(1) and 6(2); *Principles Governing Conventional Arms Transfers*, cited above (Note 28), Article 4(a.iii); *OSCE Document on Small Arms and Light Weapons*, cited above (Note 22), Section III, A2(b)iv.
31   FSC Chairperson's Progress Report, cited above (Note 25), p. 20.
32   Cf. Organization for Security and Co-operation in Europe, Forum for Security Co-operation, *Decision No. 20/95*, FSC.DEC/20/95, 29 November 1995.
33   *Document on Small Arms and Light Weapons*, cited above (Note 22), Section III, F(2).
34   Ibid.
35   Cf. FSC Chairperson's Progress Report to the Twenty-First Meeting of the Ministerial Council on the Continuing Implementation of the OSCE Document on Small Arms and Light Weapons, cited above (Note 23), pp. 119-120.

the questionnaire and the SALW Document is comparable to the approach contained in ATT Article 13.1, which requests States Parties to provide a "one-off" report, which can, however, be updated when required. Considering the comparatively high rate of reporting, OSCE experience in securing high returns in information exchanges merits further study and consideration.

OSCE participating States have also been requested to provide additional information in ad hoc information exchanges on regulations concerning SALW brokering activities and national practices to prevent the spread of SALW through illicit air transport, as well as samples of their national end-user certificate and/or other pertinent documents.[36] As with the exchange under the SALW Document, the exchange of information is intended to share examples of "best practice" and has enjoyed high levels of participation and regular updates.[37] One could envisage such an approach having potential benefits for exchanges of information between ATT States Parties on measures to address diversion.[38]

Mechanism for Reporting on International Arms Transfers

The OSCE has adopted several instruments that contribute to the implementation of the key UN processes relating to increasing transparency in the international arms trade. For example, the FSC adopted Decision No. 13/97, Further Transparency in Arms Transfers, on 16 July 1997, under which OSCE participating States exchange annual reports on their imports and exports of conventional arms using UNROCA descriptions for seven categories of conventional arms and reporting templates.[39] Subsequent FSC decisions have aligned the OSCE reports on conventional arms transfers with UNROCA deadlines and category descriptions, while also encouraging participating States to provide background information on SALW transfers to

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36 Cf. Organization for Security and Co-operation in Europe, Forum for Security Co-operation, *Decision No. 11/07, An Information Exchange with Regard to OSCE Principles on the Control of Brokering in Small Arms and Light Weapons*, FSC.DEC/11/07, 17 October 2007; Organization for Security and Co-operation in Europe, Forum for Security Co-operation, *Decision No. 11/08, Introducing Best Practises to Prevent Destabilizing Transfers of Small Arms and Light Weapons through Air Transport and on an Associated Questionnaire*, 5 November 2008; Organization for Security and Co-operation in Europe, Forum for Security Co-operation, *Decision No. 12/08, Information Exchange with Regard to Sample Formats of End-User Certificates and Relevant Verification Procedures*, FSC.DEC/12/08, 12 November 2008.

37 Cf. FSC Chairperson's Progress Report to the Twenty-First Meeting of the Ministerial Council on the Continuing Implementation of the OSCE Document on Small Arms and Light Weapons, cited above (Note 23), pp. 119-120.

38 Cf. ATT, cited above (Note 8), Articles 11.6 and 13.2.

39 Cf. Organization for Security and Co-operation in Europe, Forum for Security Co-operation, *FSC Decision No. 13/97, Further Transparency in Arms Transfers*, FSC.DEC/13/97, 16 July 1997.

UNROCA.[40] OSCE participating States can use the same annual report to fulfil their ATT annual reporting obligation.

OSCE participating States already collect and exchange some information on SALW transfers, because the SALW Document established an annual intergovernmental exchange of information on SALW transferred between OSCE states.[41] A standardized reporting form was annexed to the Document. It requests information on deliveries of five subcategories of small arms and eight subcategories of light weapons for the preceding calendar year, including the exporting or importing state, the number of items, the state of origin (if not the exporter), any intermediate location, and any additional information that the reporting state wishes to provide. The first information exchange took place in 2002, which consisted of data on transfers occurring in 2001. While the total number of states that participate in the exchange each year is made publicly available (see table 1), information on which states participate and the information they share is not made publicly available by the OSCE. A study carried out by the Stockholm International Peace Research Institute (SIPRI) in 2012-2013 found that several participating States exchange their UNROCA reports on international transfers of SALW with other participating States.

International Assistance

The OSCE Conflict Prevention Centre (CPC) has organized numerous workshops, seminars, and training events to explore measures to support implementation of the OSCE SALW Document and address SALW trafficking more generally. For example, in May 2014 the OSCE, in collaboration with the UN and Interpol, organized an Expert Workshop on Tracing Illicit SALW.[42] It also contributes to events organized by the UN and other international organizations, export control regimes, and regional organizations and non-governmental organizations.

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40   Cf. Organization for Security and Co-operation in Europe, Forum for Security Co-operation, *Decision No. 8/98, Changes in the Deadline for the Exchange of Information on Conventional Arms and Equipment Transfers*, FSC.DEC 8/98, 4 November 1998; Organization for Security and Co-operation in Europe, Forum for Security Co-operation, *Decision No. 8/08, Updating the Reporting Categories of Weapon and Equipment Systems Subject to the Information Exchange on Conventional Arms Transfers*, FSC.DEC/8/08, 16 July 2008.

41   Cf. *OSCE Document on Small Arms and Light Weapons*, cited above (Note 22).

42   Cf. FSC Chairperson's Progress Report to the Twenty-First Meeting of the Ministerial Council on the Continuing Implementation of the OSCE Document on Small Arms and Light Weapons, cited above (Note 23), p. 110.

Table 1: Annual responses to the OSCE information exchange on imports and exports of SALW[43]

Year	2002	2003	2004	2005	2006	2007	2008
OSCE participating states involved in SALW exports and imports exchange	45 (55)	47 (55)	50 (55)	48 (55)	46 (55)	42 (56)	48 (56)
Year	2009	2010	2011	2012	2013	2014	
OSCE participating states involved in SALW exports and imports exchange	48 (56)	48 (56)	44 (56)	40 (56)	41 (57)	40 (57)	

In 2011, Moldova requested assistance to update its export control legislation. In response, the OSCE began to provide Moldova with support in this regard in collaboration with the EU outreach and assistance project.[44] Potential for collaboration with the United States' Export Control and Related Border Security Program (EXBS) has also been explored.[45] The OSCE has offered to provide assistance to other interested participating States in reviewing and updating export control legislation.[46] Of interest for ATT implementation is the fact that the OSCE seeks to collaborate with a variety of relevant partners to provide assistance in this area, and has also developed mechanisms for facilitating assistance that could be of interest to the ATT Secretariat.

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43   Figures in brackets denote the total number of participating States. Source: Correspondence with OSCE official, 7 January 2015.

44   Cf. Organization for Security and Co-operation in Europe, *FSC Chairperson's Progress Report to the Nineteenth Meeting of the Ministerial Council. The Continuing Implementation of the OSCE Document on Small Arms and Light Weapons*, MC.GAL/5/12, 27 November 2012, pp. 8-9.

45   Cf. FSC Chairperson's Progress Report on the Continuing Implementation of the OSCE Document on Small Arms and Light Weapons, cited above (Note 25), p. 12.

46   Cf. ibid.

Opportunities and Challenges for the OSCE to Support Implementation of the Arms Trade Treaty

There are several areas in which one would assume, based upon the experience of the past twenty years, that the OSCE could contribute to the implementation of the ATT. Three areas are highlighted below that demonstrate some of the potential opportunities and challenges posed by the ATT for OSCE efforts to strengthen transfer controls and address the illicit arms trade:

- universalization of the ATT;
- information exchange leading to best practice guidance and tools for effective implementation; and
- addressing concerns with information exchange and reporting burdens.

Universalization of the ATT

As noted in the introduction, several participating States have stressed that the OSCE can help to universalize the treaty. For example, shortly after the ATT opened for signature in June 2013, Germany proposed that the FSC could "send an important signal through a joint declaration by all participating States on the signing and entry into force of the Treaty".[47] The FSC has not made such a declaration. This is because, while some of the participating States are among the staunchest advocates for the treaty, several are sceptical of the initiative. For example, in May 2015, Mikhail Ulyanov, head of the arms control department in the Russian ministry of foreign affairs, declared that Russia is not going to sign the ATT because it does not "see reasons to join" and was sceptical of the potential impact of the ATT.[48] Canada has also not signed the ATT, and a Canadian government official has explained that "signing the Arms Trade Treaty would not improve upon how we assess exports of military items."[49] Several states in Eastern Europe and Central Asia have also not signed nor ratified the ATT. Therefore, in contrast to other UN instruments in this area, it will be difficult for the OSCE to play a role in universalizing the ATT. It can however support implementation and provide inspiration and models for implementation of the treaty at the international level.

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47   Organization for Security and Co-operation in Europe, Forum for Security Co-operation, 720th Plenary Meeting, *Statement by the Delegation of Germany*, FSC.JOUR/726, 5 June 2013.

48   *Russia not to join international Arms Trade Treaty*, TASS, 17 May 2015, at: http://tass.ru/en/russia/795143.

49   Cited in: David Pugliese, Harper government says there is no need to sign arms control treaty because Canada's export controls are the strongest, in: *Ottawa Citizen*, 24 December 2014, at: http://ottawacitizen.com/news/national/defence-watch/harper-government-says-there-is-no-need-to-sign-arms-control-treaty-because-canadas-export-controls-are-the-strongest.

Information Exchange Leading to Best Practice Guidance and Tools for Effective Implementation

One of the key challenges posed by the ATT for States Parties is translating the treaty's "constructive ambiguity" into law, policy, and practice. The OSCE has acquired considerable experience with a step-by-step approach for addressing such challenges in the implementation of the SALW Document. Its experience could serve to inform other regional organizations and groups of states on good practices that could be used in implementing the ATT, or to inspire comparable exercises. A good example is the OSCE's approach to seeking to establish common standards and understandings for end user certificates (EUC). First, a best practice guide on export controls was developed by national licensing officials from participating States, which contained recommended elements for EUC and their verification.[50] Based on this list of EUC elements, participating States adopted a politically binding decision outlining standard elements of end user certificate and verification procedures for SALW exports.[51] In order to assess the implementation of the decision, states then exchanged information on their national systems and samples of EUC and related documentation.[52] The next stage was to develop an informal EUC template based on the adopted elements, the best practices guide, and a review of participating States' existing practices, policies, and documentation.[53]

Addressing Concerns with Information Exchange and Reporting Burdens

OSCE information exchanges on transfer control systems and transfers enjoy fairly good levels of participation. Several factors could help to explain this. First, attention is paid towards ensuring that the database containing national points of contact is up to date, not only to facilitate the exchange of information, but also for co-operation and co-ordination of assistance projects.[54] Second, and perhaps most importantly, there is "extensive use of the FSC Chairperson's Announcing and Reminding Mechanism" to help encourage participation via peer pressure.[55] Third, the CPC actively explores opportunities to

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50   Cf. Organization for Security and Co-operation in Europe, Forum for Security Co-operation, *Decision No. 5/03, Best Practice Guides*, FSC.DEC/5/03, 18 May 2003.
51   Cf. Organization for Security and Co-operation in Europe, Forum for Security Co-operation, *Decision No. 5/04, Standard Elements of End-User Certificates and Verification Procedures for SALW Exports*, FSC.DEC/5/04, 17 November 2004.
52   Cf. OSCE FSC, *Decision No. 12/08*, cited above (Note 36).
53   Cf. Organization for Security and Co-operation in Europe, *Template for End User Certificates for Small Arms and Light Weapons*, 28 September 2011, at: http://www.osce.org/fsc/83178.
54   Cf. Organization for Security and Co-operation in Europe, Forum for Security Co-operation, *Decision No. 4/08: Points of contact on small arms and light weapons and stockpiles of conventional ammunition*, FSC.DEC/4/08, 7 May 2008.
55   FSC Chairperson's Progress Report on the Continuing Implementation of the OSCE Document on Small Arms and Light Weapons, cited above (Note 25), p. 10.

align OSCE commitments with other international reporting obligations and information exchanges. For instance, the OSCE and the UNODA are studying possibilities for further reducing the SALW reporting burden on States.[56] These are all useful lessons for the ATT Secretariat.

In addition, in June 2014 the OSCE adopted the "Voluntary guidelines for compiling national reports on SALW exports from/imports to other participating States during the previous calendar year" in order to "improve the utility and relevance of the information provided".[57] The guidelines recommend that States share the methodologies used to compile their information.[58] The guidelines represent another concrete example of how OSCE experience in compiling national reports on arms transfers could benefit ATT States Parties seeking to fulfil their reporting obligations as outlined in Article 13 of the ATT.

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56   Cf. FSC Chairperson's Progress Report to the Twenty-First Meeting of the Ministerial Council on the Continuing Implementation of the OSCE Document on Small Arms and Light Weapons, cited above (Note 23), p. 109.
57   Organization for Security and Co-operation in Europe, Forum for Security Co-operation, *Decision No. 3/14, Voluntary Guidelines for Compiling National Reports on SALW Exports from/Imports to other Participating States during the Previous Calendar Year*, FSC.DEC/3/14, 4 June 2014.
58   Cf. Ibid.

Appendix 1: OSCE participating States and the ATT, December 2015[59]

OSCE participating State	Vote in General Assembly	Signature	Ratification/ Accession
Albania	Yes	3 June 2013	19 March 2014
Andorra	Yes	18 December 2014	
Armenia			
Austria	Yes	3 June 2013	3 June 2014
Azerbaijan	Yes		
Belarus	Abstain		
Belgium	Yes	3 June 2013	3 June 2014
Bosnia and Herzegovina	Yes	25 September 2013	25 September 2014
Bulgaria	Yes	2 July 2013	2 April 2014
Canada	Yes		
Croatia	Yes	3 June 2013	2 April 2014
Cyprus	Yes	3 June 2013	
Czech Republic	Yes	3 June 2013	25 September 2014
Denmark	Yes	3 June 2014	2 April 2014
Estonia	Yes	3 June 2014	2 April 2014
Finland	Yes	3 June 2014	2 April 2014
France	Yes	3 June 2014	2 April 2014
Georgia	Yes	25 September 2013	
Germany	Yes	3 June 2013	2 April 2014
Greece	Yes	3 June 2013	
Hungary	Yes	3 June 2013	2 April 2014
Iceland	Yes	3 June 2013	2 July 2013
Ireland	Yes	3 June 2013	2 April 2014
Italy	Yes	3 June 2013	2 April 2014
Kazakhstan	Yes		
Kyrgyzstan	Yes		
Latvia	Yes	3 June 2013	2 April 2014
Liechtenstein	Yes	3 June 2013	16 December 2014
Lithuania	Yes	3 June 2013	18 December 2014
Luxembourg	Yes	3 June 2013	3 June 2014

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59   Sources: ATT, cited above (Note 8); United Nations General Assembly, cited above (Note 3).

Macedonia	Yes	25 September 2013	6 March 2014
Malta	Yes	3 June 2013	2 April 2014
Moldova	Yes	10 September 2013	28 September 2015
Monaco	Yes		
Mongolia	Yes	24 September 2013	
Montenegro	Yes	3 June 2013	18 August 2014
Netherlands	Yes	3 June 2013	18 December 2014
Norway	Yes	3 June 2013	12 February 2014
Poland	Yes	1 July 2013	17 December 2014
Portugal	Yes	3 June 2013	25 September 2014
Romania	Yes	3 June 2013	2 April 2014
Russia	Abstain		
San Marino	Yes	19 December 2014	29 July 2015
Serbia	Yes	12 August 2013	5 December 2014
Slovakia	Yes	10 June 2013	2 April 2014
Slovenia	Yes	3 June 2013	2 April 2014
Spain	Yes	3 June 2013	2 April 2014
Sweden	Yes	3 June 2013	16 June 2014
Switzerland	Yes	3 June 2013	30 January 2015
Tajikistan			
Turkey	Yes	2 July 2013	
Turkmenistan	Yes		
Ukraine	Yes	23 September 2014	
United Kingdom	Yes	3 June 2013	2 April 2014
United States	Yes	25 September 2013	
Uzbekistan			
Vatican City*			
Total OSCE participating states		45	38
Total UN member states		130	77

* Not a UN member state.

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Rory McCorley

The 1999-2004 Georgia Border Monitoring Operation and the 2005-2009 Follow-up Projects – Lessons Learned and Potential Offerings for Future Engagement

Introduction

As the tenth anniversary of the OSCE's Border Security and Management Concept (BSMC) approaches, now is an appropriate time to reflect on the Organization's engagement in border management. Drawing from my experience, with a particular focus on Georgia and reference to projects in Tajikistan and Turkmenistan, this article reviews the OSCE's engagement and identifies lessons related to the management of "green borders". I will look in detail at the Border Monitoring Operation (BMO) established in Georgia in 1999 as a conflict prevention measure and the follow-on training projects that have come, whether by design or default, to be considered as examples of the Organization's ability to adapt to and address the needs of participating States.

The OSCE's Border Monitoring Operation

Why Was It Necessary?

Georgia was faced with many challenges in managing its borders. It had functioned as a somewhat autonomous region since the foundation of the Union of Soviet Socialist Republics (USSR). On the collapse of that multi-ethnic state, Georgia declared independence in 1991, and the "former administrative borders between Georgia, Armenia, Azerbaijan and the Russian Federation became international. But none of these borderlines have been officially delineated or demarcated."[1] The only exceptions this EU report identifies are borders with Turkey, which had been established in pre-independence days. This was the only border that was guarded, and it had been controlled by USSR border troops, who were a military rather than a police law enforcement agency.[2]

The existence of two semi-autonomous regions – Abkhazia and South Ossetia, which, on Georgia's declaration of independence, also declared their

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1 Border Support Team of the EU Special Representative for the South Caucasus, *Assessment Report of the Georgian Border Security System*, Tbilisi 2005.
2 Cf. ibid.

own independence[3] – complicated matters further. The Russian Federation has continued to involve itself in these regions: "Despite the collapse of the Soviet Union in 1991, many people in Moscow still see Georgia as an outpost of the Russian empire. The Russian government is reluctant to cede control over Georgia's politics and external orientation".[4] Other factors also influenced this approach, and the most relevant to this paper are the Second Chechen War in 1999 and the fact that "the Georgian state under Shevardnadze did not control its external borders".[5] Russia also claimed that international terrorists were present in the Pankisi Gorge, close to the Chechen/Dagestan border within Georgia. Moscow accused Georgia of harbouring these terrorists and threatened to use pre-emptive strikes in Georgia to remove them.[6]

Origin and Mandate

In late autumn of 1999, it was reported that Russian aircraft violated Georgian airspace on several occasions and opened fire on the Georgian border post at Shatili. There were also strong allegations that Chechen fighters had found refuge in the surrounding valley. Border villages were reportedly bombed by Russian forces. This fostered a situation of growing tension between the Russian Federation and Georgia based on "allegations" by both sides regarding activities on the border. Georgia feared a spillover of the trouble into their territory, while Russia accused Georgia of tolerating the presence of Chechen fighters and not securing the border with Chechnya. As a result, the tensions and accusations between Georgia and Russia escalated, and, in early December 1999, the Georgian government requested that international observers monitor the situation along the Chechen part of the Georgia/Russia border.[7]

Thus the OSCE BMO was established in 1999 to "act as an independent arbitrator to claims and counter claims made by the Russians and Georgians and about traffic across the border".[8] The creation of the BMO was significant, as it highlighted Georgia's inability to manage its own border while also establishing the OSCE as an organization that the Russian Federation and Georgia were willing to accept as a third party in the management of their common border. The OSCE was already involved in South Ossetia as a peace broker, where it ran a military monitoring mission.[9]

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3   Cf. Mark Leonard/Charles Grant, *Georgia and the EU. Can Europe's neighbourhood policy deliver?* Policy brief, Centre for European Reform, London, September 2005, p. 4.
4   Ibid., p. 3.
5   Dov Lynch, *Why Georgia matters*, Chaillot Paper No. 86, Paris, February 2006, p. 17.
6   Cf. Vladimir Socor, Axing the BMO, Russia menaces Georgia, in: *Eurasia Daily Monitor* 2/2005, 3 January 2005.
7   This was highlighted in an OSCE Borders Unit review of the BMO conducted in 2011.
8   Leonard/Grant, cited above (Note 3).
9   Cf. Lynch, cited above (Note 5), p. 38.

Georgia

In December 1999, the OSCE Mission to Georgia, which had been active in the country since 1992, was mandated "to observe and report on movement across the border between Georgia and the Chechen Republic of the Russian Federation, both by vehicle and on foot".[10] It is also important to note that the Council decision stated that the monitors were unarmed, had no enforcement responsibilities and monitored only from Georgian territory. The Georgian government undertook responsibility for the security of the monitors.[11]

The Development of the BMO

The establishment of the BMO was logistically difficult, as the environment in which the monitors would conduct operations was isolated and harsh, lying at an elevation of between 2,000 and 4,500 metres in the Caucasus Mountains. Monitoring operations by core mission staff commenced in late December 1999, while the recruitment of 20 border monitors got underway. In February 2000, a temporary observation post in Shatili opened. This was

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10 Organization for Security and Co-operation in Europe, Permanent Council, *Decision No. 334*, PC.DEC/334, 15 December 1999.
11 This relationship between the Georgian Border Guards (GBG) and the monitors was to prove significant in later years, as it exposed the OSCE to the capabilities of the Georgian Border Guards and the necessity to develop a capacity-building programme.

located close to the border and the Arghun Valley route that many Chechen refugees used to flee to Georgia.[12]

In 2000, the first Head of the BMO, General Bernd Lubenik, recommended an enlargement of the BMO mandate to enable it to conduct operations from three bases with 42 monitors. The Permanent Council approved this in April 2000, and the BMO established two new bases at Omalo and Girevi. This expansion provided the BMO with the ability to monitor the 82 km Chechen border with Georgia by means of mobile patrols and static observation posts. During the first two years of the BMO, tensions remained high between Georgia and the Russian Federation. In October 2000, in the Assa Valley[13] along the Georgian-Ingush border, an incident reportedly took place involving 50-60 Chechen fighters. This prompted a discussion on the expansion of the BMO, which was acknowledged as contributing to stabilizing the area within which it operated, to the Ingush and Dagestan borders. Georgia made the request for this further expansion to the OSCE through the Head of the OSCE Mission to Georgia. An evaluation was conducted in April 2001 to consider the effectiveness of the existing operation and examine the possible expansion. Two options were proposed: a permanent deployment as in the case of the Chechen sector or short deployments and regular patrols by vehicle or helicopter from Tbilisi.

The first option was adopted, and soon afterwards two patrol bases were established in the Assa Valley and the village of Sno on the Ingush sector of the border. A similar evaluation was conducted in July 2002, and the recommendation to extend the BMO to the Dagestan border was adopted in a Permanent Council decision. The patrol bases at Kabali, Akhalsopeli, Kvareli, and Napareuli were added, and the BMO was now reporting along a border that extended for 280 km (Chechnya 80 km, Ingushetia 60 km, Dagestan 140 km). Opting to establish permanent bases ensured that the BMO could contribute to achieving its mission goals in a more comprehensive manner. The resulting regular interaction with the local population and border guards increased situational awareness, security, and trust. The BMO was supported by a logistic supply base in Telavi and the Head Office in Tbilisi.

At its height, the BMO consisted of 144 international team members who carried out planning, support, and monitoring functions. The monitors were seconded from over 24 OSCE participating States. In fact, this operation did not adhere with the informal principle that neighbouring states should not participate in monitoring missions. This principle is explained as supporting "impartiality". Yet it can be argued that if a monitor from a neighbouring state confirms a reported border crossing,[14] this adds credibil-

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12   According to the UNHCR, almost 7,600 Chechen refugees fled to Georgia in December 1999.

13   The Assa Valley was to the west of the BMO's then area of operations.

14   The BMO's standard operation procedure was to use three-person teams (each member being from a different nation). This facilitated a process in which each report was supported by the agreement of at least two monitors.

ity. The BMO also employed a significant number of Georgians as local contractors to supply services such as helicopter transport (Air Tushiti).

Operations

In order to fulfil its mandate, the BMO adapted a very mobile and efficient concept of operations. For this reason, border monitors were required to possess a high level of fitness and technical ability. Many, though not all, had military or police backgrounds. It is estimated that 80 per cent of the border area was not accessible by vehicle. This placed a significant reliance on air support by helicopters, which were often restricted by the weather and high mountain passes. It was not unknown for the monitors to face delays of over a week in being extracted from their patrol bases. This was a significant factor in the Ingush and Chechen sectors in terms of the morale of the monitors, and the contracting of Georgian pilots with experience flying in the area of operations was one of the main reasons the BMO was able to conduct operations in this challenging environment. Operations were tailored for summer and winter conditions. During the winter period, the number of monitors was reduced.

In 2003/2004, monitoring was conducted as follows:

Patrol Type	Number of Patrols	
	Summer	*Winter*
Patrol Base[15] (24/7)	9	9
Permanent Observation Post[16] (POP) (24 hrs)	77	0
Overnight Observation Patrols (per week)	20	9
Foot Patrol (per week)	63	63
Vehicle Patrol (per week)	36	36
Heli Patrol (per week)	9	9

The BMO prided itself on its ability to deliver reports with supporting film and/or pictures of incidents from the hostile mountain environment to the OSCE Chairmanship in Vienna within two hours.[17] While this was technically challenging, it was ultimately achieved. The BMO operated with the most advanced equipment, including MATIS thermal imaging devices,

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15 A patrol base was a permanent fixture/building located close to a village from where the BMO conducted its operations in each area (Girevi, Omalo, etc). Each base was allocated 20-30 border monitors, who manned the base and conducted operations within the area for which the patrol base was responsible.

16 A POP was an observation post manned by 2-3 border monitors, who conducted observation 24 hours a day. These POPs were located in isolated areas that provided excellent observation. The POPs were not occupied during the winter months.

17 These reports were also made available to the OSCE Conflict Prevention Centre (CPC) and Delegations within the same two-hour timeframe.

Thuraya satellite phones, and infrared night vision devices. Narrow-band satellite, text, and voice communications were used to transmit the reports from patrols to the patrol base and onwards to BMO headquarters. The mission HQ then, after verifying the reports, forwarded them to the Chairmanship in Vienna. The importance of delivering the information so quickly was to independently confirm or deny accusations by either side, thus avoiding an escalation of tensions.

As monitoring was conducted from the patrol bases 24/7, the demands placed on the teams of monitors were exhausting. The BMO applied a policy of allowing border monitors to operate for three to four weeks in the patrol base area before rotation to Tbilisi, and the total period of service of the monitors in the field did not exceed 18 months. Maintaining high quality patrolling, monitoring, and reporting came at a price. The cost of financing the BMO grew rapidly with its expansion. In 2004, the budget for the BMO was in the region of 13 million euros. This was equivalent to ten per cent of the OSCE's unified budget for the same year. The cost of internationally contracted monitors, logistic support including helicopters, and the maintenance of nine patrol bases and communications networks were the main contributors to this expense.

Maintaining the credibility of the operation was one of the BMO's main priorities. Trying to execute patrols and monitoring activities with inferior equipment and poorly trained personnel undermines the quality and credibility of the product delivered. This principle was also applied to the other border management training programmes run by the OSCE Mission to Georgia. As representatives of an international organization, it falls on the OSCE's staff to maintain the highest standards. To do otherwise would be to fail those in need of assistance. On a point of interest, it was also my observation that the local population and local authorities were more willing to accept staff members from countries that had overcome a period of conflict in the recent past.

As the BMO was conducting operations, the political landscape in Georgia was changing. In 2003, public demonstrations in Georgia led to the resignation of President Eduard Shevardnadze in what is better known as the Rose Revolution.[18] The new government, led by the young and energetic Mikheil Saakashvili, was quick to highlight its pro-Western credentials. Saakashvili sought to involve the EU, US, and OSCE in building a democracy: "Since November 2003, Georgia has launched itself into the process of democracy and state building, led by an energetic and determined leadership, which has the support of the majority of the population. The Georgian project

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18   For a description of how thousands of Georgians took to the streets to protest against massive fraud in parliamentary elections in November 2003, leading to the resignation of President Eduard Shevardnadze, cf. Dov Lynch, cited above (Note 5), p. 9 and 23.

is important because it reflects the core challenge of crafting democracy in a dysfunctional state embedded in a conflict-ridden region."[19]

Closure

Georgia's pro-Western turn was to have an impact on the OSCE. The BMO was to become the first victim in the political standoff over Georgia. The Russian Federation's Delegation in Vienna indicated that it would not agree to the BMO mandate extension in April 2004. It argued the BMO was inefficient and ineffective. "It is our belief that the OSCE observers have fulfilled their task on the Georgian-Russian border. With Russian-Georgian security cooperation on our common border being successfully fostered, the OSCE monitoring, having not been distinguished by particular effectiveness, has ceased to influence the state of affairs in this field".[20]

As the 2004 mandate was nearing its end, there was a period of intense diplomatic effort to ensure the OSCE Permanent Council would agree to the extension of the BMO in 2005. Many views were put forward: "In Georgia, the OSCE's Border Monitoring Operation is contributing to stability on a sensitive border, and its mandate should be extended for another year."[21] As Vladimir Socor points out: "At the Sofia conference, however, Russia's Minister of Foreign Affairs Sergei Lavrov suddenly changed the argument. He now claimed that the BMO has fulfilled its tasks, managed to improve the situation on the border, is therefore no longer needed, and is too expensive in any case."[22] Dov Lynch argued that Russia has vital interests in securing the Russian-Georgian border, and the withdrawal of the BMO "left Georgia facing Russia alone on its northern border without the transparency that the OSCE had provided".[23] This situation raised the possibility of Russian pre-emptive strikes, Lynch argued. Vladimir Socor believed that Russia had three reasons not to extend the BMO:

- First, the impartial and effective BMO did not substantiate – thus indirectly disproving – Moscow's allegations about armed groups using Georgian territory for operations in Russia.
- Second, the BMO had confirmed Russian air raids over Georgian territory, despite Russia's denials.

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19   Ibid, p. 10.
20   The Ministry of Foreign Affairs of the Russian Federation, *Russian MFA Information and Press Department Commentary Regarding End of OSCE Observers' Stay on Georgian-Russian Border*, 31 December 2004, at: http://www.mid.ru/en/foreign_policy/news/-/asset_publisher/cKNonkJE02Bw/content/id/452118.
21   U.S. Department of State, Office of the Spokesman (Sofia, Bulgaria), Remarks by Secretary of State Colin L. Powell to the Ministerial Meeting of the Organization for Security and Cooperation in Europe, Sofia, 7 December 2015, MC.DEL/52/04, 7 December 2004.
22   Vladimir Socor, Russia Exploits the OSCE to Pressure Georgia, in: *Eurasia Daily Monitor* 146/2004, 13 December 2004.
23   Lynch, cited above (Note 5), p. 48.

- Third, the BMO's presence relieved the political pressure that Russia could bring to bear on Georgia through those *casus belli*-type accusations. The BMO's presence, in effect, deterred the Russian military from threatening to move into Georgian territory under "anti-terrorism" pretences. The BMO, described officially as a confidence-building operation, in fact played this deterrent role as well.[24]

The OSCE Mission to Georgia proposed three reduced options to extend the BMO that were never given any real consideration, as it was clear that the decision to end the operation had been taken by the Russian Federation. Georgia was made aware that their northern neighbour still had vital interests and could influence matters in Georgia. Just how much would be demonstrated in South Ossetia and Abkhazia in the years to come. The issue of the BMO's mandate was but one aspect of this and laid down a marker to the international community. This clearly demonstrates that where the "full support or ownership" of the host nations[25] is lacking, a mandate is undermined.

I was surprised by the arguments regarding the efficiency and effectiveness of the operation. In my personal opinion and based on experience in conflict zones, the BMO was in fact a highly adaptable operation that achieved results beyond its expectations. This was highlighted during the closure process, when the population of villages such as Girevi and Shatili along the Chechen border expressed their opinion that they were being abandoned, despite the presence of the Georgian Border Guards (GBG). On 1 January 2005, with no consensus on a mandate extension, the Mission to Georgia commenced preparations for the closure of the BMO. This decision had two key effects; it would:

- prompt the EU to begin work on establishing a border management team (the Border Support Team of the EU Special Representative/EUSR BST);
- lead the OSCE to instigate a training programme for capacity-building of the GBG.

What Solution for Georgia?

In response to the withdrawal of the OSCE BMO in 2005, "the EU started to assist the Georgian government in the reform of its Border Guard service".[26] Dov Lynch argued that this would be positive for both Georgia and Russia and would facilitate the enhancement of their relations. However, according to Mark Leonard and Charles Grant, the Georgians claimed the contingent

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24   Cf. Socor, cited above (Note 22).
25   In the case of the BMO, the Russian Federation and Georgia.
26   Lynch, cited above (Note 5), p. 75.

sent by the EU was too small, consisting of "a mere three officials (with a promise to provide ten more border guard 'mentors' later in 2005)",[27] and that the EU were also unable to monitor the border themselves in the area where the OSCE had operated and were unwilling to train and equip the GBG to do so on the scale required.

A number of meetings were held between representatives of the BMO and the EU team, during which the former explained how it conducted operations and what infrastructure was required to maintain a mission of this kind. There were high expectations on the Georgian side that the EU would deliver a monitoring mission that would replace the BMO while not being exposed to the perceived weakness of the OSCE – the dependency on consensus: "Moscow has now demonstrated that it can hold the OSCE generally, and the BMO in particular, hostage both politically and financially. The security of Georgia cannot be entrusted to an organization whose security functions depend on Russia's sufferance'.[28] The EU did deploy a team that quickly set about assisting the GBG to reform. The feeling in Tbilisi at the time was that the EU could launch an operation free of Russian interference and input and the need for Moscow's approval. However, this was not the case, and the need for Georgia to engage with the Russian Federation was never more evident. When this did not occur, the consequences were disastrous, as we eventually witnessed. The EU did not deliver in the expectant eyes of Tbilisi, and responsibility for monitoring the border fell to the GBG.

The Role of the European Union

In 2005, with assistance from the EUSR Border Support Team, the GBG elaborated a set of border-related reform proposals,[29] and the State Border Defence Department of the Georgian Ministry of Internal Affairs (MIA) published a white paper. This was the first such document published by the Georgian MIA, and clearly outlines the policy and direction the border service should follow:

> State Border Security System should correspond to the national interests of Georgia, guarantying security of Georgian state border and EU requirements according to Georgian Euro-Atlantic course. The requirements are strict principles defined by the EU as a precondition for successful border management and like the strict requirements of the

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27   Leonard/Grant, cited above (Note 3), p. 4.
28   Socor, cited above (Note 22).
29   These reforms were prioritized in the European Neighbourhood Policy Action Plan for Georgia (2006), cf. e.g. http://www.eeas.europa.eu/delegations/georgia/eu_georgia/ political_relations/political_framework/enp_georgia_news/index_en.htm.

Schengen Agreement, represent critical factors for candidate countries […] that would like to join the EU.[30]

This document highlights two important components to the development of the GBG service. The first is security; the second is compliance with EU standards and regulations, and particularly the Schengen regulations. This linked Georgia's border security strategy with the EU's neighbourhood policy. The approach a state takes to securing its border determines whether the borders can be categorized as soft or hard. These terms describe the borders that exist between countries that comply with the 1985 Schengen Agreement and those that do not. Soft borders promote trade and movement. Hard borders are guarded and regulated to such a degree as to hamper trade and movement. As the EU's borders expand, "being 'just neighbours' is also complicated by a certain asymmetry in power between the EU and its bordering states; the EU's economic, institutional, and geographic weight creates incentives that make non-compliance with EU approaches costly to ignore or resist".[31] Many of the EU's neighbours are certainly keen to comply, and this includes Georgia. The white paper was helpful, as it outlined the vision for the future. The focus was towards soft borders managed by a border police force rather than paramilitary border guards. Nonetheless, I felt that, as far as Georgia's attempt to gain greater support from EU member states for its candidacy was concerned, the elephant in the room remained the issues it faced in solving its border disputes and securing its northern border. In a meeting in 2005 with General Sir Garry Johnson[32] and Ambassador Roy Reeve, the Head of the OSCE Mission to Georgia, I was asked for my opinion in relation to the capacity of the GBG. I stated that they lacked investment, implemented outdated procedures, and lacked the basic skills to patrol and monitor and manage their borders effectively, particularly the northern border. Ambassador Reeve agreed with the assessment and stated that much of Georgia's resources for security were being invested in the military and the border service had been neglected.

Later OSCE Engagement

On 13-16 December 2004, a fact-finding mission from the OSCE Secretariat's Borders Unit in the Conflict Prevention (CPC) Centre visited the OSCE Mission to Georgia, holding meetings with the Mission leadership, the GBG, and other international actors in the field of border management. This

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30   Georgian Ministry of Internal Affairs, Border Defence Department, *Conceptual View of Development*, Tbilisi 2005.
31   Joan DeBardeleben, Introduction, in: Joan DeBardeleben (ed.) *Soft or Hard Borders? Managing the divide in an Enlarged Europe*, Aldershot 2005, pp. 1-21, here: p. 3.
32   General Sir Garry Johnson was working with the International Security Advisory Board at the time.

visit was important, as what transpired sowed the seeds for the follow-up OSCE programmes. It is worth remembering that this engagement was conducted in the absence of the OSCE's Border Security and Management Concept (BSMC), which was only published almost a year later. The fact-finding mission's recommendations included assistance with developing:

- a national action plan;
- quick impact projects;
- new legislation;
- a cross-border co-operation programme;[33]

However, this report focused on police training and little was done to address the immediate gap that would present itself on the closure of the BMO. As a result, the Mission staff began intensive engagement with the GBG, jointly preparing a proposal that would meet the immediate needs of the service. As the OSCE representative participating, it was clear to me that the immediate need was to fill the void left by the departure of the BMO. There was a requirement to develop a programme to transfer the skills and equipment necessary to the GBG to monitor the Chechen/Dagestan/Ingush border. It was also clear that there were other arrangements being put in place at the bilateral level, including on border law (Germany), communications (US), and in other areas, where Turkey, Finland, and the International Organization for Migration (IOM) were engaged. The efforts of this small community are an example of successful co-operation and co-ordination that I have not witnessed in other missions. This work was fundamental for the progress of the GBG from being a stagnant organization to one embracing change. Many of the senior officers within the GBG recognized the benefits.

The OSCE Mission to Georgia has implemented the following capacity-building programmes in the area of border management. These were a logical development based on the inability of the GBG to replace the OSCE BMO in terms of training, skills, or equipment. The core training staff of all projects were border monitors with expertise in conducting observation and patrolling activities in the Caucasus Mountains as well as a background in training.

Training Assistance Programme (TAP):
The OSCE Mission to Georgia's Training Assistance Programme (TAP) commenced in May 2005. It consisted of ten different modules of four weeks each presented in four locations (Lilo, Omalo, Lagodekhi, and Kazbegi). The staff was composed of 30 former border monitors and 20 local staff. 800 Georgian border guards were trained during the twelve month period.

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33   Cf. *InterOffice Memorandum, border fact finding mission report*, Georgia, 13-16 December 2004.

Capacity-Building Training for High-ranking Georgian Border Police:
This follow-up programme was aimed at training senior management in operational planning, decision-making, rapid response planning, and field exercise training. Three hundred officers were trained in an effort to address the capability gap in the management's ability to plan and conduct operations.

Search and Rescue Training (SART):
The SART programme was designed to provide training for the newly created Emergency Management Department of the Georgian MIA. Building on the experience of the BMO and using the resources at its disposal, the OSCE was able to provide helicopter and mountain area search and rescue training. The team was much smaller than the TAP staff, limited to a project manager, three international staff and three local assistants. Russia was initially reluctant to have such mission deployed close to its territory.

Transitional Institutional Support Programme (TISP):
The 2008-2009 Transitional Institutional Support Programme had the twin purpose of supporting the transition from a military to a police border guard system and fostering good relations with neighbouring Turkey, Azerbaijan, and Armenia. Cross-border workshops were conducted at different places and on various subjects (falsified documents; human rights; radiation defence and weapons of mass destruction; counter-terrorism; smuggling in the Caucasus region; narcotics identification and testing; veterinary/phytosanitary threats; targeting, profiling, and selectivity; illegal migration; trafficking in human beings).

In many instances, these programmes were considered a first for the OSCE, and aspects of them have since been used as the basis for training courses on similar topics run by OSCE field presences in Albania, Uzbekistan, Tajikistan, and Turkmenistan. There is a genuine potential for the OSCE to extend its influence through such projects. Security services, including border services, are suspicious by their very nature and reluctant to grant access to and engage with outsiders. To expose themselves to "external" actors is to open their service to scrutiny that is often unwelcome. Training projects are a positive first step in building relations between the OSCE and national border services when deal with hard security issues. They establish credibility and trust that can facilitate additional assistance that can be more substantial.

Conclusions

The OSCE's Border Security and Management Concept

The OSCE has been involved in border issues since its inception. This was reaffirmed in the Border Security and Management Concept adopted at the 2005 OSCE Ministerial Council in Ljubljana. The BSMC states that "participating States reaffirm the norms, principles, commitments and values enshrined in the Helsinki Final Act […] the Copenhagen Document 1990, the Helsinki Document 1992 and the Charter for European Security 1999. They recall the action plans, decisions and other relevant agreed OSCE documents which address border related issues".[34]

By adopting the BSMC, the OSCE has demonstrated that it has the capacity to achieve its main objective of co-operation between states. The 1999 decision to deploy the BMO resulted in the OSCE's biggest single and most successful operation in the sphere of security to date.[35]

According to Victor-Yves Ghebali, "the 9/11 terrorists attacks dramatically increased the relevance of border security and management issues within the OSCE".[36] He continues that the "*OSCE Border Security and Management Concept* recommends that participating states promote 'open and secure borders in a free, democratic and more integrated OSCE area without dividing lines'".[37] This could be considered idealistic. Georgia has particular issues, and, within the European context, "distaste for the old defence role of border guards has been replaced by the perception that guarding is a technically-focused subset of policing that does not deserve specific attention".[38] This is the EU's overall focus but it is not applicable to all OSCE participating States. The OSCE must define its own role in the ever-changing environment of border management, noting the peculiarities of each border, now more so than ever. The threat to the borders of EU member states has increased in recent years with the rise of Islamic militants and the refugee crisis. The OSCE has a leading role to play in assisting its participating States, particularly by developing its capacity in border management in this evolving environment.

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34   Organization for Security and Co-operation in Europe, Ministerial Council, Ljubljana 2005, *Border Security and Management Concept*, MC.DOC/2/05, 6 December 2005, p. 1, at: http://www.osce.org/mc/17452.

35   Cf. Vladimir Socor, BMO RIP; TAP Stillborn, in: *Eurasia Daily Monitor* 74/2005, 15 April 2005.

36   Victor-Yves Ghebali, The OSCE's SSR Operational Activities: A Piecemeal Approach with Limited Results, in: David Law (ed.), *Intergovernmental Organisations and Security Sector Reform*, Geneva 2007, pp. 123-136, here: p. 125 (emphasis in the original).

37   Ibid.

38   Alice Hills, Towards a Rationality of Democratic Border Management, in: Marina Caparini/ Otwin Marenin (eds), *Borders and Security Governance. Managing Borders in a Globalised World*, Geneva 2006, pp. 41-57, here: p. 42.

The OSCE should maintain the capability to deploy border-monitoring missions such as the BMO. Its operational strategy has been fine-tuned through years of experience in a harsh environment. This means that future missions will start on a solid footing. It has become evident to me from my experiences in the Middle East, Balkans, and more recently as an evaluator of border-training projects in Tajikistan and Turkmenistan, that border services in transition or faced with conflict along their borders need assistance in conflict prevention, conflict resolution, and capacity building. Each border has its own unique characteristics, and, where conflict arises, needs its own unique solution. The OSCE has such a depth of engagement that drawing on these experiences to find solutions is the way forward. It is important that missions engage with the Border Security and Management Unit and with other missions that already have this experience. This reach-back capability demonstrates the Organization's efficiency. I would suggest that the OSCE Border Management Staff College in Dushanbe (BMSC) also has potential to facilitate such knowledge transfer.

The OSCE does not operate in a vacuum; there are always other international actors present. Yet the OSCE's strength is its reputation as a transparent and inclusive pan-European organization with a focus on regional issues. The OSCE's experience in Georgia involved various actors in border management working in a co-ordinated manner. Dialogue and support were the key ingredients to its success. With the exception of the IOM, those participating in the development of the Georgian border service belonged to the OSCE. The Mission to Georgia facilitated this co-operation, which resulted in many positive outcomes, including the purchase of equipment that allowed OSCE-trained GBG personnel to monitor the border 24/7.

My research and experience has identified the following checklist of best practices for engagement in green border management projects by the OSCE:

- acceptance and ownership by the host authorities;
- co-operation:
  - international co-operation;
  - bilateral co-operation;
  - co-operation and co-ordination between adjoining countries;
  - inter-agency co-operation;
- threat and risk assessment;
- needs assessment;
- effective chain of command;
- a joint structured plan of action;
- respect and trust;
- continuity of personnel;
- effective logistics.

These points can be adapted for application to a wide range of border management topics, including legislative reform, capability development, and the establishment of monitoring operations.

While the OSCE Border Security and Management Concept goes a long way to identifying the Organization's intentions in the area of border management, now is possibly the time, ten years after the concept was adopted, to reflect and build on its strengths by reinforcing its relevance and role. The development of border management in the region for the next ten years needs the OSCE's leadership. The OSCE offers significant experience and expertise as well as credibility gained from successful engagement. Such co-operation would benefit both the Organization and, more importantly, the participating States.

III.
Organizational Aspects

OSCE Institutions and Structures

Natascha Cerny Ehtesham/Laurent Goetschel

Civil Society in the OSCE: From Human Rights Advocacy to Peacebuilding

Introduction

The OSCE's relations with civil society have been ambiguous: Historically, the Organization was at the forefront in including civil society in both the content and the procedures of its work. However, this happened forty years ago and concerned a particular political context and specific types of civil society engagement. It was very much about giving civil society actors a voice in the former Eastern Bloc in order to promote civic rights and liberties. Since then, the role of civil society organizations, and particularly non-governmental organizations (NGOs), in promoting international peacebuilding has continued to develop. This has produced the ambiguity that is at the heart of our concerns in this contribution: On the one hand, there is a long-established and almost routine way for the OSCE to co-operate with and include civil society in its operational procedures. On the other, civil society engagement seems narrow both in terms of the topics it covers and the functions it performs. We will assess this situation by looking at the evolution of civil society functions in international politics and comparing them with the roles played by civil society within the OSCE. We place a particular focus on activities undertaken during 2014, which was characterized by the eruption of the crisis in Ukraine and the OSCE's Swiss Chairmanship.

Civil Society

Civil society has increasingly been perceived as an important actor in international relations. This assessment is based on the roles civil society is playing and the value it may add in particular situations. In order to explain this, we will present some definitions of civil society and describe its major roles.

Civil society is considered to be an area of society separate from both the state and party politics. It consists of actors making political demands on the state and other political entities, but who are not themselves running for political office. These actors act voluntarily and collectively around shared interests, purposes, and values.[1] Within civil society, NGOs are considered to be a particularly well organized and important group of actors. They are defined as "non-state, non-profit orientated groups who pursue purposes of

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1   Cf. Martina Fischer, *Civil Society in Conflict Transformation: Ambivalence, Potentials, and Challenges*, p. 4.

public interest".[2] The World Bank prefers to refer to "Civil Society Organizations" (CSOs), which it defines as non-governmental and not-for-profit organizations that have a presence in public life, expressing the interests and values of their members or others based on ethical, cultural, political, scientific, religious, or philanthropic considerations.[3]

According to Wolfgang Merkel and Hans-Joachim Lauth, civil society in general and specific CSOs are typically attributed with the following functions:

- protection of the sphere beyond the state in which citizens, endowed with rights, are free to organize their lives without state interference;
- intermediation between state and citizens: Civil society must ensure a balance between central authority and social networks;
- participatory socialization: Civil society and associations are schools of democracy in which people learn how to execute their democratic rights;
- community-building and integration: Civil society is seen as catalyst for civil virtues and an antidote to pure individualism;
- communication as a core function in deliberative democracy.[4]

These traditional functions of civil society remain of crucial importance. They emanate from the role of civil society as an intermediary layer between the population and the state. As will be elaborated in the next section, these functions also provided the basis for the expectations placed on civil society at the time when the Conference on Security and Co-operation in Europe (CSCE) was established.

With the end of the Cold War, expectations of what civil society could contribute to international politics grew. The roles attributed to civil society became more global in scope and more specific in relation to peacebuilding. At the global level, the enhanced importance of NGOs has been attributed to the increased significance of human rights in the development of humanitarian norms. NGOs became the keepers of conscience of the emerging international moral community. Their participation in international relations was seen as a guarantee of the political legitimacy of international organizations.

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2   Hilmar Schmidt/Ingo Take, Demokratischer und besser? Der Beitrag von Nichtregierungsorganisationen zur Demokratisierung internationaler Politik und zur Lösung globaler Probleme [More Democratic and Better? The Contribution of NGOs to the Democratization of International Politicss and the Solution of Global Problems], in: *Aus Politik und Zeitgeschichte* B 43/97, pp. 12-20, cited in: Fischer, cited above (Note 1), p. 3.

3   Cf. The World Bank, *Defining Civil Society*, at: http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/CSO/0,,contentMDK:20101499~menuPK:244752~pagePK:220503~piPK:220476~theSitePK:228717,00.html.

4   Cf. Wolfgang Merkel/Hans-Joachim Lauth, Systemwechsel und Zivilgesellschaft. Welche Zivilgesellschaft braucht die Demokratie? [System Change and Civil Society. Which Civil Society Does Democracy Need?], in: *Aus Politik und Zeitgeschichte* B 6-7/98, pp. 3-12, here: p. 7.

However, states also became interested in using the support offered by NGOs in terms of humanitarian aid and conflict resolution as a substitute for political action, particularly in conflicts which, in their eyes, lacked a sufficient political dimension.[5]

It was indeed the end of the Cold War that opened the door for NGOs to become more active in the realm of conflict and peace. Civil society came to be seen as having varying functions in the conflict cycle, though most literature concentrated on the role of civil society in what came to be known as "post-conflict peacebuilding".[6] Concentrating on the role of civil society in the aftermath of conflicts put the dynamics of the relationship between state and society at centre-stage in peacebuilding. Seminal work on this issue was conducted by Jean Paul Lederach, who underlined the important roles of relationship-building, training, and proactive change in societies in achieving peace.[7] He argued that civil society plays a crucial role in the "middle-range" and "grassroot" approaches.[8] In Lederach's view, training is a particularly crucial aspect of relationship-building, as it is not only concerned with increasing an individual's capacity and skills, but also seeks to develop and build relationships across divides in a conflict context.[9] If efforts to create a vision of a commonly shared future and to develop a clear understanding of existing realities are sustained, this leads to "proactive change" in divided societies.[10]

Later comparative work on the contribution of civil society to peacebuilding extracted the following functions: protection from violence; engagement in seeking the recognition or implementation of rights for marginalized groups; monitoring the implementation of particular aspects of peace agreements; advocacy aiming to keep issues or countries on the international agenda; facilitation and service delivery.[11] NGOs have also become increasingly active in conflict prevention (including political early warning), facilitation, and mediation. They can help maintain or improve relationships and even foster action across conflict lines and ethnic divides through informal exchanges and joint projects. They can act as independent watchdogs, be creative in reframing perceptions, or talk to those to whom governments can-

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5   Cf. Mari Fitzduff, *Civil Society and Peacebuilding – the New Fifth Estate?* Issue Paper, Global Partnership for the Prevention of Armed Conflict, 2004, pp. 7-8; Matti Wuori, On the Formative Side of History: The Role of Non-Governmental Organisations, in: Mats Rolén/Helen Sjöberg/Uno Svedin: *International Governance on Environmental Issues*, Dordrecht 1997, pp. 159-172.
6   Cf. Vincent Chetail, Introduction: Post-Conflict Peacebuilding – Ambiguity and Identity, in: Vincent Chetail (ed.), *Post-Conflict Peacebuilding. A Lexicon*. Oxford, 2009, pp. 1-33.
7   Cf. Jean-Paul Lederach, *Building Peace. Sustainable Reconciliation in Divided Societies*, Washington, DC, 1997.
8   Cf. ibid., pp 37-61.
9   Cf. ibid., p. 109.
10   Cf. ibid., p. 112.
11   Cf. Thania Paffenholz, What Civil Society Can Contribute to Peacebuilding, in: Thania Paffenholz (ed.), *Civil Society and Peacebuilding: A Critical Assessment,* Boulder 2010, pp. 381-404.

not. The advantage of NGOs in this field is their capacity to link various sources of information, particularly those based on local knowledge. They are also perceived to be independent. On the reverse side, their "warnings" do not necessarily trigger any action, as actors with implementation capacities, such as states or international organizations, do not necessarily feel compelled to act based on their information.[12]

Notwithstanding these achievements, external framework conditions remain crucial for enabling (or disenabling) civil society roles in peacebuilding. These include the behaviour of the state, the general level of violence, the freedom and role of the media, the influence of external political actors, and the role of donor engagement.[13] Additional reservations about the ability of civil society to live up to its role expectations underlined the mechanistic model underlying such assumptions. Indeed, agreeing on the importance of civil society as a core aspect of functioning statehood did not automatically imply consensus about the role civil society actors should play and the functions that members of civil society should fulfil.[14]

Civil Society in the CSCE/OSCE

The tasks originally attributed to civil society within the CSCE were strongly influenced by the context of the Cold War: The CSCE was a product of a phase of "détente" between East and West. The ten principles listed in the "decalogue" of the Helsinki Final Act represented a compromise between Western and Eastern interests at the time. Principle VII states: "The participating States recognize the universal significance of human rights and fundamental freedoms, respect for which is an essential factor for the peace, justice and well-being necessary to ensure the development of friendly relations and co-operation among themselves as among all States".[15] On the other side, principles III and IV underline the importance of the inviolability of frontiers and of the territorial integrity of states.[16]

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12   Cf. Catherine Barnes, Weaving the Web: Civil Society Roles in Working with Conflict and Building Peace, in: Paul von Tongeren, et al. (eds), *People Building Peace II: Successful Stories of Civil Society*, London 2005, pp. 7-24; Fischer, cited above (Note 1), pp. 5-7; Fitzduff, cited above (Note 5), pp. 10-14.

13   Cf. Thania Paffenholz/Christoph Spurk/Roberto Belloni/Sabine Kurtenbach/Camilla Orjuela, Enabling and Disenabling Factors for Civil Society Peacebuilding, in: Paffenholz (ed.), cited above (Note 11), pp. 405-424.

14   Cf. Béatrice Pouligny, Civil Society and Post-Conflict Peacebuilding: Ambiguities of International Programmes Aimed at Building "New" Societies, in: *Security Dialogue* 4/2005, pp: 495-510, pp. 496-497.

15   Cf. Final Act of Helsinki. Final Act of the Conference on Security and Co-operation in Europe, Helsinki, 1 August 1975, in: Arie Bloed (ed.), *The Conference on Security and Co-operation in Europe. Analysis and Basic Documents, 1972-1993*, Dordrecht 1993, pp. 141-217, here: p. 147; also available at: http://www.osce.org/mc/39501.

16   Cf. ibid, pp. 144-145.

Principle VII belongs to what came to be known as the "human dimension" of the CSCE, and was included in the "third basket" of the Helsinki Final Act. It provided a substantial, though indirect basis for the work of human rights-based civil society organizations in the Eastern Bloc. These roots of civil society engagement within the CSCE/OSCE, which at that time was still more of a process of ongoing conferences, remains relevant to understand the later focus of the work of the Organization with NGOs. After the end of the Cold War, the Helsinki Document 1992 called for increased openness in CSCE activities and the expansion of the role of NGOs. The participating States agreed to facilitate informal discussions between representatives of participating States and NGOs both during and between CSCE meetings.[17]

However, while the interaction between participating States and NGOs improved and the relative importance of the latter increased, the themes and processes of collaboration remained strongly anchored in the Cold War traditions of the CSCE: While civil society was seen as a valuable partner to states on issues linked to the traditional understanding of the Organization's human dimension, it was not meant to play an independent political role in the attempts of the participating States to deal with issues of peace and conflict on their territories. The international changes that took place after the end of the Cold War and which provided the NGOs with many new opportunities in general, and in the realm of peacebuilding in particular, barely trickled down into the CSCE/OSCE. This can be illustrated with a closer look at the year 2014 under the Swiss Chairmanship.

The Role of Civil Society during the 2014 Swiss OSCE Chairmanship

Under the leitmotif "Creating a Security Community for the Benefit of Everyone", the Swiss Chairmanship of the OSCE wanted, among other things, to "enhance the involvement of civil society" in the work of the Organization as well as enhance its visibility and make its voice heard in discussions concerning specific issues and topics – both internationally and at the national level.[18] The overall aim was the creation of a continuous dialogue between civil society actors from all OSCE regions with OSCE institutions, which was intended to provide the starting point for a new "OSCE tradition" that would continue to develop in the years to come.

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17 Cf. *CSCE Helsinki Document 1992: The Challenges of Change*, Helsinki, 10 July 1992, in: Bloed (ed.), cited above (Note 15), pp. 701-777, here Chapter IV, para. 15, pp. 732-733.

18 Cf. Swiss Confederation, Federal Department of Foreign Affairs, *Creating a Security Community for the Benefit of Everyone. Priorities of the 2014 Swiss Chairmanship of the Organization for Security and Co-operation in Europe (OSCE)*, at: https://www.eda.admin.ch/content/dam/eda/en/documents/aussenpolitik/internationale-organisationen/Factsheet-OSZE-2014-Schwerpunkte_EN.pdf.

In order to strengthen this ongoing civil society dialogue at the international level, Switzerland built upon the existing civil society tradition of OSCE Parallel Civil Society Conferences taking place on the eve of OSCE Ministerial Council meetings. This tradition was initiated by several civil society representatives at the Astana Summit in 2010 and led to the creation of an OSCE-wide NGO-network called the Civic Solidarity Platform.[19]

In addition to supporting the annual OSCE Parallel Civil Society Conference, Switzerland wanted to further enhance civil society engagement in the various regions of the OSCE. To this end, it organized four regional workshops for representatives of civil society in the Western Balkans (Belgrade), Central Asia (Dushanbe), the South Caucasus (Tbilisi), and for all other OSCE participating States (Vienna) throughout 2014. A key topic of all four regional workshops was the issue of prevention of torture – a priority topic for the Swiss Chairmanship in the human dimension. This topic also coincided with the "Kiev Declaration"[20] adopted by the participants of the OSCE Parallel Civil Society Conference in Kyiv in 2013, which stated that the OSCE "should make combating torture a priority".[21] The other topics of the regional workshops were chosen by civil society representatives from the regions and included topics such as "tolerance and non-discrimination" – chosen by civil society representatives in all four regions – "judicial independence", and "protection of privacy and personal data". Each workshop resulted in a set of civil society recommendations, which were included – together with other topics – in the civil society recommendations made to the OSCE Ministerial Council in Basel[22] and were accompanied by the Basel Declaration, which stated that "rising intolerance, discrimination, and hate crimes pose a major risk for security and require a coordinated response from the OSCE".[23] Both outcome documents of the OSCE Parallel Civil Society Conference – the civil society recommendations to the OSCE Ministerial Council and the Basel Declaration – were then adopted and officially handed

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19   In September 2015, the Civic Solidarity Platform counted 72 member organizations from 28 countries. More information is available at: http://www.civicsolidarity.org/page/about-us.

20   At each OSCE Parallel Civil Society Conference, civil society representatives choose a priority human-dimension topic and formulate their observations as well as recommendations in a declaration. Each declaration is named after the location of the conference where it was adopted: the 2013 "Kiev Declaration", the 2014 "Basel Declaration", etc.

21   Most of the declarations of OSCE Parallel Civil Society Conferences are available at: http://civicsolidarity.org/page/osce-parallel-civil-society-conferences-outcome-documents.

22   Cf. Civic Solidarity, *Civil Society Recommendations to the Participants of the OSCE Ministerial Council Meeting in Basel, 4-5 December 2014*, at: http://www.civicsolidarity.org/sites/default/files/civil_society_recommendations_to_the_mcm_in_basel_december_2 014_final.pdf.

23   Civic Solidarity, *Basel Declaration. Rising Intolerance, Discrimination, and Hate Crimes Pose a Major Risk for Security and Require a Coordinated Response from the OSCE. Adopted by the participants of the OSCE Parallel Civil Society Conference Basel, 2-3 December 2014*, at: http://www.civicsolidarity.org/sites/default/files/basel_declaration.pdf.

over to the Swiss OSCE Chairperson-in-Office (CiO), the Swiss president and foreign minister, Didier Burkhalter, as well as to a representative of the incoming Serbian OSCE Chairmanship at the OSCE Parallel Civil Society Conference in Basel on 3 December 2014.

By personally receiving these two documents, the OSCE CiO sought to underline the importance of dialogue with civil society and tried to "lead by example" as he did throughout the whole Swiss Chairmanship with regard to civil society. Besides making sure that civil society representatives were actively involved in all OSCE conferences and other events (e.g. by inviting them to participate as panellists), he also consistently sought direct dialogue with civil society representatives during his various country visits (e.g. to Azerbaijan, the United States, Tajikistan, Kyrgyzstan, and Kosovo). It was therefore no coincidence that, in June 2014, the Swiss Chairmanship, in co-operation with the incoming Serbian Chairmanship as well as the OSCE Office for Democratic Institutions and Human Rights (ODIHR), decided to dedicate its Chairmanship Conference to the topic of human rights defenders. Indeed, in many participating States, the space in which civil society has been able to operate has been shrinking again, and the crucial role of civil society actors in helping implement OSCE human dimension commitments on the ground had tended to be ignored. It was also at this event that the comprehensive OSCE/ODIHR Guidelines on the Protection of Human Rights Defenders were launched.[24]

Besides the regular dialogue with civil society at the international level, as described above, the Swiss Chairmanship also pursued co-operation with civil society at the national level. To promote this, Swiss non-governmental organizations founded the Swiss NGO Working Group OSCE[25] in the autumn of 2013 – shortly before Switzerland assumed the OSCE Chairmanship. The aim of the Working Group has been to support human rights activities under the Swiss Chairmanship, while critically examining the Swiss Chairmanship from the perspective of civil society.

The Working Group has been establishing links between Swiss NGOs and OSCE processes, and connecting Swiss civil society representatives with NGOs from other OSCE participating States by, for example, attending the regional civil society workshops and encouraging Swiss NGOs to participate more frequently in OSCE conferences such as the Human Dimension Implementation Meeting (HDIM) in Warsaw, the Supplementary Human Dimension Meetings (SHDM), and the Human Dimension Seminars (HDS) in Vienna. It also organized on-site visits and encounters with Swiss and, in particular, Basel-based NGOs for participants attending the OSCE Parallel Civil Society Conference in December 2014. These on-site visits allowed NGOs

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24   Cf. OSCE Office for Democratic Institutions and Human Rights (ODIHR), *Guidelines on the Protection of Human Rights Defenders*, Warsaw 2014, at: http://www.osce.org/odihr/119633.

25   Cf. Information Platform humanrights.ch, *Swiss NGO working group on the OSCE*, at: http://www.humanrights.ch/en/standards/europe/osce/ngo-working-group.

working in other countries to see the working environment of their Swiss colleagues. The encounters also served as an opportunity to exchange experience and describe challenges regarding topics such as refugees, political participation, human trafficking, gender equality, and business and human rights.

The Swiss NGO Working Group held regular meetings with the Swiss Chairmanship Task Force, including two meetings with CiO Burkhalter in 2014, at which issues relating to the OSCE human dimension commitments, including human rights crises, Swiss foreign policy, and civil society engagement within the OSCE framework were discussed.

In addition, the Swiss Chairmanship decided to take up the idea of self-evaluation[26] – a tool long advocated by civil society representatives from the OSCE regions. Switzerland thus became the first participating State to voluntarily submit itself to an assessment of its performance in implementing OSCE human dimension commitments. This was undertaken by the Swiss Centre of Expertise in Human Rights (SCHR) – an independent national body. The topics chosen for the self-evaluation included election monitoring, intolerance, freedom of expression, freedom of assembly, trafficking in human beings, and gender equality. Besides the observations and recommendations for improvement elaborated by the SCHR, the Swiss self-evaluation also encompassed written reactions by the Swiss NGO Working Group and commentaries by the relevant Swiss federal authorities. These three components of the self-evaluation demonstrate that the self-evaluation was successfully used as an opportunity for discussions between NGOs and governmental authorities. It is hoped that this newly introduced practice can be made a regular feature of OSCE Chairmanships, as it would encourage countries chairing the Organization to "lead by example" and make sure that – before preaching to other participating states – they are doing all they can to improve the implementation of OSCE human dimension commitments in their own country. Serbia and Germany both agreed to conduct similar self-assessments in 2015 and 2016, respectively.

Analysis and Conclusions

The 2014 Swiss Chairmanship provided a "state of the art" performance in regard to the development of relationships with civil society both inside Switzerland and across all the other OSCE participating States. At the same time, it showed the limits of civil society engagement within the OSCE. This was mainly reflected in what did not occur.

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26   Cf. Swiss Confederation/OSCE Switzerland 2014, *Self-Evaluation Swiss OSCE Chairmanship*, at: https://www.eda.admin.ch/content/dam/eda/en/documents/publications/ InternationaleOrganisationen/osze/20150803-Self-Evaluation-OSCE -Chairmanship_DE. pdf.

The year 2014 was dominated by the crisis in Ukraine. Several NGOs within and outside Ukraine became involved in projects seeking to deal with aspects of the conflict. But none of these activities formally took place within the established NGO channels of communication inside the OSCE. Both the OSCE and its traditional NGO partners successfully refrained from becoming entangled in peacebuilding discourses and activities at the level of civil society. The Basel Declaration issued by the Civic Solidarity Platform, as mentioned above, did not touch upon peacebuilding issues.

Furthermore, where the OSCE did engage in the Ukraine crisis, such as when the Troika (composed of the three successive Chairmanships of Switzerland, Serbia, and Germany) set up the Panel of Eminent Persons (PEP)[27] to reflect on the crisis and its implications for European security, it did not include a strong civil society representation, but rather tended to represent official thinking.[28] This is not to criticize the personal qualities of the actors involved. But both the approaches taken by the PEP and the integration of the process in society would have been different if civil society had been included more effectively in the process. The OSCE might also have thought about involving representatives of civil society in its special monitoring and fact-finding mission (SMM) in the eastern part of Ukraine.

This is not to say that the OSCE would have achieved more, but the political process would have been different. As argued above, including civil society in peacebuilding opens up new options in the realms of trust-building, the monitoring of violence, and even conflict prevention and early-warning. Notwithstanding these specific functions, incorporating civil society in peacebuilding changes the quality of the process: It helps peacebuilding to gain a deeper hold within society, thereby enhancing its legitimacy, which once more impacts on the implementation and the sustainability of peacebuilding efforts.

How can this rather surprising observation regarding the limited extent of civil society involvement in Ukraine be explained? One answer could be based on our earlier remarks regarding the framework conditions that enable NGOs to develop their activities in this field: the level of violence, the role of regional actors, and the engagement of donors. All three factors seem to have worked against stronger civil society engagement in the Ukrainian crisis. Outright warfare was taking place, and civil society organizations had "to fulfil the tasks left untended by the government, extinguishing the fire and easing the most pressing humanitarian needs, and monitoring the human rights situation in and around the areas of conflict", instead of playing "a

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27   Cf. Organization for Security and Co-operation in Europe, *Panel of Eminent Persons on European Security as a Common Project*, at: http://www.osce.org/cio/133976.

28   For instance, there was no outreach to the "Civic Solidarity Platform" – the international NGO network most active in the OSCE framework, and especially in the human dimension. However, individual members of the PEP did reach out to civil society in a personal capacity. For example, Swiss PEP member Barbara Haering met with members of the Swiss NGO Working Group on two occasions in 2015.

crucial part in the political reform process".[29] A further problem was the absence of donor engagement. As a result, the space for civil society actors to engage meaningfully was very limited.

On a more general note, since its inception, the OSCE has encouraged civil society engagement only within clear limits and set rules. This is due to the fact that the Organization continues to operate in a political environment that is very mixed in terms of both political stability and political sensitivity. Accordingly, civil society actors in both West and East have to cope with highly divergent settings and operational conditions. The common denominator for all activities undertaken in this regard remains human rights issues of all kinds, ranging from fundamental human rights linked to physical integrity (such as the abolition of torture), via individual civic rights, to individual and collective rights related to minority issues. Existing NGO platforms such as the Civic Solidarity Platform have undertaken impressive work to continuously and gradually develop these activities. The Swiss OSCE Chairmanship has followed what it considers to be best practices in this area. This approach is not far removed from the traditional view that civil society actors are protecting citizens on an individual basis and are performing as an intermediate layer between the state and its citizens.[30] These roles should not be downplayed. They are civil society's core functions.

However, recalling, first of all, that the CSCE was at the forefront in providing civil society with a voice in international relations, and, second, that there cannot be any doubt about the vitality and the engagement of a multiplicity of NGOs within today's OSCE, the impression remains that these civil society actors are "punching below their weight". This relates particularly to the function that NGOs and other civil society groups could be playing in regard to conflict prevention, mediation/facilitation, and peace-building.

The potential the OSCE has in these areas was underlined in the report of the OSCE Network of Think Tanks and Academic Institutions to the PEP, which stressed the importance of the OSCE as a norm-based organization and the roles it could play in early warning, conflict prevention, and mediation – particularly thanks to the Organization's field presence.[31] The PEP itself underlined the importance of conflict prevention for the OSCE in its interim

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29   Jürgen Kräftner/Cécile Druey, *Critical Reflection Following the KOFF roundtable on 30 June 2014, Ukraine 2014 – Civil Society Creating Space between Past and Future: informal follow up discussion*, Koff Centre for Peacebuilding, p. 1, at: http://www.swisspeace.ch/fileadmin/user_upload/Media/Publications/Critical_Reflection_ab_2013/Critical_Reflection_Ukraine_June2014.pdf.

30   Cg. Merkel/Lauth, cited above (Note 4).

31   Cf. OSCE Network of Think Tanks and Academic Institutions, *Reviving Co-operative Security in Europe through the OSCE. Contribution of the OSCE Network of Think Tanks and Academic Institutions to the Panel of Eminent Persons*, edited by Teija Tiilikainen, sine loco 2015, pp. 17-18.

report.[32] There is abundant literature explaining the essential contribution that civil society can make to the accomplishment of such objectives.

Thus, any assessment of the achievements of civil society in the OSCE in the year under consideration should differentiate between two parts: In terms of the traditional human rights advocacy roles played by various civil society organizations, the 2014 Swiss Chairmanship year brought some groundbreaking innovations that should be maintained and further developed in the future. These include the self-evaluation of states, the extensive use of regional workshops, and the inclusion of new cross-dimensional topics, such as migration, in these workshops. Further improvement is needed, however, in terms of communication and interaction between the OSCE's human dimension or "third basket" and the traditional security issues treated within the "first basket". This also applies to the dialogue between civil society and OSCE institutions, which should be placed on a more level playing field by ensuring, for example, OSCE/ODIHR participation in civil society events and not only the participation of civil society representatives in OSCE and ODIHR events.

Regarding peacebuilding and conflict-related roles fulfilled by civil society actors, however, the OSCE is still sitting on a great deal of untapped potential. With its tradition of strengthening civil society and including it, at least to a certain extent, in its official processes, the OSCE seems to be in an ideal position to enhance the role of civil society in these more recent fields of NGO engagement as well. Regional workshops and field missions would be excellent frameworks for this. The same is true with regard to the numerous conflict-prone situations within the territory of participating States. Yet the tradition of OSCE civil society engagement puts clear limits on such endeavours – both thematically and structurally. The high regard placed on sovereignty within the Organization limits further NGO engagement. Perhaps the recent transgression of sovereignty and territorial integrity in the Eastern part of the OSCE will ultimately open up the door for an expansion of the political sphere accessible to civil society actors. This would be an irony of history.

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32   Cf. *Lessons Learned for the OSCE from its Engagement in Ukraine. Interim Report and Recommendations of the Panel of Eminent Persons on European Security as a Common Project*, sine loco, June 2015, p. 9, at: http://www.osce.org/networks/164561.

Annexes

Back to Diplomacy

Final Report and Recommendations of the Panel of Eminent Persons on European Security as a Common Project

November 2015

Foreword

In its Interim Report the Panel of Eminent Persons set out some practical lessons for the OSCE from the crisis in and around Ukraine. This Final Report takes the same starting point but addresses the crisis of European security in a more comprehensive way.

The Panel's discussions were frank and intense. They dealt with serious national security issues, touching the very core of state sovereignty. It is not easy to convey in the report itself both the frankness, the professionality, and the good humour of these exchanges, nor the moments of tension and of fundamental disagreement.

Our disagreements were numerous, and challenging to overcome. For many, if not for most members of the Panel, the final version represents a compromise which does not adequately reflect the many ambitious proposals submitted. One member of the Panel, Sergey Karaganov, who contributed to the ideas in the report as well as making vigorous interventions in our discussions, has felt obliged to write a letter of disagreement. This is attached to the report. Another member of the Panel, Kassym-Jomart Tokayev, was able to participate only in the first Panel meeting. This is why he felt it was too presumptuous on his part to share full credit for the Report with the other panelists. But he sent us a letter supporting the Report and its findings. This letter is attached to this report as well.

Even if our discussions were sometimes heated, they were framed by a shared sense of the dangers and the lack of security of Europe today. This is far from the settled, co-operative order that we imagined twenty-five years ago. We began with an attempt to understand how the current crisis developed, and what errors and missteps may have been made on the way. We quickly found that there was no agreed view, no common analysis. This lack of agreement is reflected in the three different narratives included in the Report (with longer versions in the Annex). No member of the Panel would endorse all three of these narratives – which are often in opposition to each other; and, in the case of the long versions, most do not accept any of them as an accurate or adequate way of describing their perspective on what happened. The point, however, is not historical accuracy but to illustrate how much our appreciation of the recent past diverges. These diametrically opposed narratives are a fact that, for the moment, we have to live with. While

it should not prevent us from working together, it ought to help us realize how difficult that is.

For governments and other institutions, as well as for the OSCE as a whole, it might be worth considering a research project on these different narratives, on our common history, bringing together scholars from different countries, and aiming to set out more systematically our divergent views of the past, and how and why they developed.

The Report does not propose new principles or new institutions. We have many agreed principles though we do not always respect them; and we have common institutions though sometimes we seem determined to prevent them from working.

Instead we propose a return to diplomacy; a robust diplomatic process designed to replace mutual recrimination with rebuilding trust: not military activity, not propaganda, not rhetoric – but a process that explores our common problems carefully, confidentially and systematically. If we can understand them as common problems we will already be making progress. The process will be based on the Helsinki principles, notably that of equal sovereignty; those undertaking it must also be prepared to discuss the situations of particular countries in concrete terms. The aim should be to resolve the open questions, in particular relating to those who, for want of a better term, we have called the countries in-between. This should be accompanied by work in the economic and human dimension, and by confidence-building measures in the military field.

But above all we need confidence re-building in the political field - that is to say, diplomacy. The process will need stamina and patience. If successful, it should conclude with a summit meeting. The Finnish initiative which led to the Helsinki Final Act forty years ago was a courageous step, and we need such courageous steps again – today more than ever.

It would not make sense to discuss architecture while the house is burning: such discussions can begin seriously only when the Minsk agreements have been implemented. This remains the most urgent diplomatic task of all.

The Panel's Interim Report should also be followed up. Security in Europe needs co-operation and that is possible only if we have effective common instruments. The modest proposals of the Interim Report are designed to give the OSCE the means for stronger co-operation and so for stronger security.

I thank the OSCE Troika for proposing this Panel, and those participating States who have supported its work through written contributions, or enabled it through funding and other forms of co-operation. I am also grateful to the OSCE Network of Think Tanks and Academic Institutions for their input to our discussion. It has been an experience of mutual education for all of us – and for this as well as for the time, work and energy committed I am grateful to all the members of the Panel.

Finally, the Final Report as well as the Interim Report could not have been developed and agreed without the drafting and editing skills of Robert Cooper and the members of his team, Walter Kemp, Adrian Oroz and Wolfgang Zellner. Last not least, the Panel is grateful to Ambassador Fred Tanner and to Juraj Nosal, who made sure we remained in close touch with the OSCE in Vienna, and worked very hard to organize and co-ordinate the Panel's work in an effective manner.

Amb. Wolfgang Ischinger
Chairperson of the Panel of Eminent Persons on European Security as a
Common Project

Introduction

European security is in crisis. The Panel of Eminent Persons was established to reflect on how Europe could reconsolidate its security as a common project. It was asked to prepare for a renewed dialogue, taking account of the damage done by the crisis in and around Ukraine, and to examine ways of relaunching the idea of co-operative security. (The Panel's mandate is set out in full at Annex 3.)

The Panel's Interim Report looked at the lessons to be learned from the Ukraine crisis for the OSCE as an institution: this is important since it is the institution that embodies the idea of common and co-operative security in Europe. This Report looks at the broader issues of security in Europe.

The Panel was unanimous on the grave dangers of the present situation. Europe is not divided as it was when the Helsinki Final Act was signed forty years ago; but the situation in Europe is more uncertain and precarious. The annexation of Crimea by force is an action unprecedented in post-war Europe. Economic relations as well as security issues have become sources of instability. There is no commonly accepted status quo. It is urgent to reduce the risks of the present situation and to put security and co-operation on a more stable basis. This would enable participating States to work together more effectively in many areas, including to tackle the common threat of terrorism.

This crisis can be resolved only through a robust process of active diplomacy. A return to negotiation will be difficult but we must seek agreements that will carry sufficient conviction to make them sustainable. The Report's recommendations suggest how such a process might be organized and what its objectives should be. This should be complemented by an open intellectual and political dialogue, including civil society.

This must be done in a way that reaffirms the Helsinki Final Act and the Charter of Paris. It is true that important Helsinki principles have been violated in most damaging ways. That does not invalidate the principles. Traffic

laws are violated every day but we still need them for an orderly traffic system. The Helsinki principles remain the only basis for a Euro-Atlantic and Eurasian space in which people and nations can live in peace.

The Paths to the Crisis

The present crisis in European security did not come out of a blue sky. It grew out of the actions and perceptions of the different parties over the last twenty-five years. Their differing interpretations are both a symptom and a cause of the crisis in European security. At the very least they point to a serious failure of communication.

In the course of frank and open discussions, members of the Panel set out different interpretations of events in Europe since 1990 and different views on the causes of the breakdown of trust. To reflect this and the different perspectives on the origins of the current crisis, the report presents different narratives of the events. Some Panel members remain in fundamental disagreement about each others' narratives; nevertheless, the articulation of these views has enabled a better understanding of each others' perspective.

There is no such thing as a single narrative, in the West, in Russia or in the states in-between, those that became independent with the dissolution of the Soviet Union but have not joined Western institutions. What follows is an attempt to outline the main themes from three different standpoints. (At the request of some Panel members, a longer version of the narratives is at Annex 1.)

The View from the West

The end of the Cold War brought the liberation of Central and Eastern European countries from Soviet dominion. The dissolution of the Soviet Union in 1991, which came about through the determination of its constituent republics to become independent states, extended this liberation to the countries that had been incorporated in the Soviet and Russian empires. This was not a victory of the West but a victory for freedom and democracy, and was recorded as such in the Charter of Paris.

This was an opportunity for the creation of a Europe that was whole and free, democratic and at peace. For newly-liberated countries, that meant joining the Western institutions – both the North Atlantic Treaty Organization (NATO) and the European Union (EU) – and transforming their economic and political systems. A strategic partnership with Russia that would include co-operation with, if not necessarily integration in, these Western institutions was intended to bring stability and co-operation to Europe. This process resulted in the successful enlargements of NATO and the EU in the 1990s and 2000s – enlargements that Russia accepted. Enlargement became

increasingly controversial when membership questions arose for the former Soviet republics, with Russia increasingly opposed, the West divided and beset with enlargement fatigue, and some of the countries seeking membership often poorly governed.

The process of creating a Europe whole, free, and at peace was challenged by the disintegration of Yugoslavia and the conflicts that emerged in the wake of the Soviet breakup. The West was unprepared for the crisis in the Balkans and failed to prevent or resolve the conflict initially. Addressing this crisis brought the West into conflict with Russia. The first crisis between Russia and the West over Bosnia was overcome through inclusion in the diplomatic process; but this did not succeed in the case of Kosovo nor with conflicts in former Soviet republics.

When democratic revolutions took place in some countries that had been part of the Soviet Union, conflict between the West and Russia (which feared the "colour revolutions" would spread, including to Moscow) grew. Profound disagreements arose over Georgia in 2008 and open confrontation in the case of Ukraine from 2013. Whatever concerns Russia may have had about Ukraine, including Crimea, it made no attempt to resolve them peacefully. The strengthening authoritarian rule in Russia, which distanced itself from the values of the Charter of Paris, contributed to these developments.

The crisis of today has come about because Russia decided to give up any pretence of wanting to co-operate with, let alone integrate in, the West. Instead, it decided to resort to force by annexing Crimea and intervening in other parts of Ukraine. With this it seems to have abandoned the basic principles of international order: sovereignty, territorial integrity and non-use of force.

The View from Moscow

The main dynamic after the Cold War was the expansion of Western institutions at the expense of Russia. The West never tried to address security with Russia, only without it, or against it. NATO's expansion was an increasing threat to Russia's national security. The EU's expansion took over Russia's markets; and as new member states joined Schengen, the area of visa-free travel available to Russian citizens was reduced. In each case, as compensation, Russia was offered a junior partnership: the NATO-Russia Council was sugar coating for the bitter pill of enlargement; the EU's idea of partnership was that Russia should adopt the EU's rules.

The idea of NATO as a benign, defensive alliance ended with its bombing of Serbia – a traditional partner of Russia. This was a breach both of international law and of the Helsinki principles. The West involved Russia in the negotiations that preceded this, but when no agreement was reached, acted unilaterally. This was followed by another open breach of international law in the US-led invasion of Iraq. This used military power for regime

change. Having created turmoil in the Middle East, the West has continued to pursue regime change there, supporting the popular movements of the "Arab Spring", and using force, as in Libya.

The West gave active support to the colour revolutions in Europe. Abrogating the Anti Ballistic Missile Treaty destroyed one of the pillars of cooperative security in Europe. Russia made its views known on all these subjects but no one listened. Instead a negative propaganda campaign was launched against Russia in 2013 and Western leaders boycotted the Sochi Olympics.

All these elements came together first in Georgia and then in Ukraine, the promise of NATO membership at the Summit in Bucharest – a serious threat to Russian security – without even a pretence of consultation; then the attempt by the EU to increase its economic space at the expense of Russia; and finally, Western support for the Maidan regime change movement. Russia responded in the only language that gets Western attention.

The View from States in-between

These states do not share either of the above narratives fully. Some of these states (Georgia, Moldova, and Ukraine) saw their independence as an opportunity for integration into Western institutions, as the Baltic States and Central and Eastern European States had. These three states are going through a transition, with more or less democratic elections and functioning civil societies. But they continue to see Russia as a threat to their security, willing to use all means, including force, to prevent them establishing themselves as successful and independent states with autonomy in foreign policy.

Other states in the same region have accepted Russia's political and security pre-eminence, or have decided not to align with either the West or Russia, as an alternative route to maintaining security and independence.

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In summary, at the end of twenty-five years, there are three broad perspectives:

The West: The central problem is not the rules but that Russia breaks them; it continues to behave as if its security can be assured only by dominating its neighbours.

Russia: Instead of creating a common security system there was a Western takeover. Russia was given the Versailles treatment and has responded accordingly.

States in-between: Many of these states wish to integrate with the West; these and others see themselves at risk as Russia develops a more aggressive policy in the region.

The Panel's views on the past diverge but it is unanimous in seeing today's situation as the most dangerous for several decades. The scene has been set by acts of military force; diplomacy has been ineffective so far, or is used as cover for military action. Changing borders by force breaches the most fundamental principles of the UN Charter and the Helsinki Final Act.

In the past many countries have misjudged the implications of their actions and have miscalculated the reactions of others. If they were to do so in the new circumstances this could lead to an even more dangerous confrontation.

Europe today is far from the co-operative order imagined in the early 1990s when, in the Charter of Paris, its leaders declared an end to "the era of confrontation and division" and the arrival of "a new era of democracy peace and unity in Europe". As the narratives above show, historical memories and habits are not overcome without a positive and sustained effort. The new era was a hope rather than a reality and it is naive to think of returning to something that was never realized. Europe's situation now is one of mutual distrust.

Today we are faced with dangerous and threatening behaviour, disinformation, the threat and use of force, leading to a poisoned atmosphere. Instead of confidence-building measures we have forward deployment of troops and equipment, military exercises designed to intimidate, if not to prepare for aggression, deliberate close encounters between naval vessels and pointless risk-taking by military aircraft. These actions risk adding to the civilian deaths in Ukraine, including those killed in the shooting down of flight MH17.

The success of the Helsinki process in the 1970s was to contain confrontation in a structure of dialogue and rules. These were reinforced by transparency- and confidence-building measures, opening the perspective of security through co-operation.

Underpinning the Helsinki Final Act and the structured confrontation of the 1970s was a willingness to accept the territorial status quo in Europe. The Finnish diplomatic note offering to host preparatory talks for a European Conference came less than a year after the Soviet tanks arrived in Prague. Meanwhile negotiations for German-Polish and German-Soviet treaties were underway, and talks were beginning for an agreement on Berlin – all central to a territorial settlement.

These agreements and the Helsinki Accords did not solve all the problems of the Cold War – particularly for peoples living under foreign domination – but they reduced the risks of conflict and enabled increased exchanges across East-West dividing lines. Within the limits set by the Cold War the territorial principles of Helsinki, inviolability of frontiers and territorial integrity, were generally well-observed.

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The end of the Cold War and the dissolution of the Soviet Union ended the territorial settlement of the 1970s. This had consisted of two blocs whose members were either in NATO or the Warsaw Pact, plus non-alliance countries with a well-defined neutral status. After 1990 Europe found itself instead with a large number of countries whose security status was undefined. Many of these states have joined NATO and the EU since then, leaving a small number whose external military and economic relations are contested. Not by accident some of them are trapped in so-called frozen conflicts.

This uncertainty means that there is no recognized status quo, and that those who want to end the uncertainty can be perceived as challenging the status quo.

Recommendations

It is urgent to set in motion a robust political and diplomatic process to overcome the present crisis. The vision of a "common European home" may be more remote today than it appeared two decades ago, but we still occupy a common space and need to find ways of living together in it.

Avoiding Accidents

As a first and most urgent step the Panel stresses the need for more effective measures to reduce the risk of military accidents or incidents. Existing bilateral agreements, including the recent US-Russia Air Safety Protocol on Syria or the US-China agreement provide possible models. The steps proposed should not be seen as a return to normality. They represent rather a better means of communication in abnormal times.

- The Panel recommends the reactivation of the NATO-Russia Council, inter alia to agree on rules to improve operational safety and emergency communications in the air and at sea.
- A resumption of military-to-military contacts to discuss such matters is also desirable, including in the OSCE framework.

A New Start for Ukraine

It is essential to complete the implementation of the Minsk agreements, including the restoration of full control of its border to the Government of Ukraine. This will provide not a solution to the crisis, but a breathing space: this should be used to work on a wider framework in which the achievements of the Minsk agreements can be embedded and consolidated.

Meanwhile the illegal annexation of Crimea has substantially eroded the idea of co-operative security in Europe. Until this is addressed it is difficult to imagine a return to European security as a common project.

The fulfilment of the Minsk agreements will not be the end of a process but the starting point for the development of a sustainable political, military and economic settlement of the crisis in and around Ukraine.

- The Panel recommends reinforcing the operations and capabilities of the OSCE Special Monitoring Mission to Ukraine (SMM) so that, as well as monitoring, it can contribute to building peace.
- The Panel also recommends the creation of a Ukraine Contact Group that would bring together the Normandy Group and the signatories of the Budapest Memorandum to help deal with political and security issues arising in the implementation of the Minsk agreements.

Towards a Summit Meeting

As soon as the Minsk commitments are in place on the ground, the Panel recommends that the OSCE Chairmanship, supported by the OSCE Troika, and in communication with the Ukraine Contact Group, launch a diplomatic process to rebuild the foundation of European security. Its ultimate aim should be to re-establish security on a co-operative basis, within the framework of the OSCE principles. The questions at issue are of a nature and urgency that requires the involvement of Heads of State or Government; this is why the process should conclude with a Summit meeting.

That cannot be prejudged; the diplomatic work undertaken in the meantime should be organized in that spirit, and should have the active political support of Heads of State or Government. It will be for successive Chairmanships, starting with Germany in 2016, to organize the work – through consultations bilaterally or in small groups, or through structured working groups, regularly informing the OSCE Permanent Council of developments. This process should be reinforced by open intellectual debate and honest political dialogue.

Key Agenda Items for this Process:

I. Security status

The core need is to deal with the problem of those countries whose security status is contested. This problem is all the more pressing as Russia's declarations and actions suggest it believes that it is entitled to limit the independence of certain states. This contradicts the fundamental right of sovereign states to choose their own security arrangements. Any country has the sovereign right to apply for membership of NATO. At the same time the applicant

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country and NATO collectively as well as their neighbouring states have a collective responsibility to work together to strengthen the security of Europe as a whole where legitimate security interests of everyone are protected.

The task of diplomacy is to find a solution that strengthens the security of all European countries and of Europe as a whole and which, for the countries most concerned, provides reassurance about their future.

A proper examination of ways to resolve these problems might include elements such as: a Treaty on European security; alliance membership; military co-operation outside the alliance framework; permanent or time-limited neutrality; neutrality but with military links to NATO; security guarantees; understandings on what neutrality means in the present context. Decisions on specific security arrangements however remain solely for the country concerned and, in the case of alliance membership, with the members of the alliance.

Agreements in this area should be reinforced by:

- Updating the OSCE 2011 Vienna Document to adjust the thresholds for notification and inspection of military exercises, to raise quotas for inspections, to review categories for information exchange and revise the definition of 'unusual military activities'.
- Consideration should also be given to updating the Open Skies Treaty.
- A new set of confidence- and security-building measures (CSBMs) addressing snap exercises and exercises close to borders.
- Limitations on deployment of forces and equipment close to borders.
- Increased military-to-military contacts, e.g. on shared challenges and new doctrines like cyber security, new technology (like unmanned aerial vehicles and automated weapons systems), and transnational threats like terrorism and organized crime.
- Reinforcement of the NATO-Russia Council, for example by more meetings at Defence and/or Foreign Minister level, resumed military co-operation.
- Eventually, the elaboration of a new and comprehensive conventional arms control regime based on, but not limited to, the concepts of the Adapted Treaty on Conventional Forces in Europe (CFE).

II. Unresolved conflicts

The second bundle of issues to be disentangled are those around the question of the protracted conflicts. The objective here is to settle the status of disputed territories, i.e. those subject to so-called frozen conflicts or military occupation, on the basis of the Helsinki principles. If a diplomatic process can succeed in following-up Minsk implementation by creating a more solid

framework for co-operative security, it must be possible also to find solutions to problems which have poisoned relations between states and blighted the lives of ordinary people.

The Panel recommends that, in the context of the wider effort for a territorial/security settlement, an intensive attempt should be made to agree a set of procedures to resolve these situations. This might include:

- Interim measures aimed at normalizing the lives of people in or near the territories concerned. This could include stepping up economic measures and promoting cross-boundary/border trade and contacts.
- A process for the return of internally displaced persons and refugees in a safe, dignified and voluntary way.
- Exploration of security regimes. These might involve, inter alia: i) all sides to the conflict, regardless of their status, pledging the non-use of force and non-resumption of hostilities; ii) withdrawal of all armed forces from the conflict regions; and iii) internationalization of the security regimes and/or peace operations in these regions under OSCE or UN auspices.
- The OSCE should do its best to allow freedom of local as well as international movement across the dividing lines, whether in and out of occupied or annexed territories.
- Greater efforts to identify and reflect the wishes and needs of the peoples in the affected regions, including displaced persons. Taking into account national constitutions, ways should be found to establish conditions for a fair test of opinion. This should include examination of the method of testing opinion, the formulation of questions, the monitoring of any ballots, and the issue of participation in these.
- In return for the fulfilment of these conditions, all OSCE participating States would agree to recognize the results of the process.

III. The Human Dimension

The problem in the human dimension is primarily one of implementation. It has been an important factor in the conflict in and around Ukraine. Giving the human dimension its proper place is also a part of the solution.

The greater openness of our societies, including through new technology, is a welcome development. It has however also brought complaints about intervention in domestic affairs. Accusations include support from foreign governments and non-governmental organizations (NGOs) for political parties or movements promoting political change and the instrumentalization of minority rights by "kin states" or other outside powers as an excuse for intervention.

The Panel recommends:

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- The OSCE Chairmanship with support of the OSCE Troika should use every means possible to establish a better human dimension implementation review process, for example along the lines of the UN and Council of Europe practice.
- As a matter of urgency, the OSCE High Commissioner on National Minorities (HCNM) and the OSCE Office for Democratic Institutions and Human Rights (ODIHR) should be given access to the Crimean Peninsula. This would be an important step in rebuilding confidence.
- The OSCE Representative on Freedom of the Media should carry out an assessment on propaganda, demonization and misinformation in the OSCE area and make recommendations on how to address this without damaging freedom of media.
- The HCNM should be invited to develop ideas on how the Lund Recommendations on the Effective Participation of National Minorities in Public Life might be applied to the unresolved conflicts.
- The OSCE Chairmanship should consider/commission studies on whether meaningful confidence-building measures could be devised to reassure OSCE participating States on the principle of non-intervention in internal affairs.

IV. Economic Connectivity

Trade and investment in the OSCE area have grown dramatically in the post-Cold War period; this is positive but it has also brought increased vulnerability. Some of the deterioration of relations in the last ten years has been expressed in disagreements on trade questions. Rules are well-established but are not always followed.

The Panel recommends that the OSCE Chairmanship/Troika establish an expert group to:

- Consider what could or should be done about the use of trade regulations as a political weapon.
- Look at the question of economic connectivity between the European Union and the Eurasian Economic Union, giving special attention to the position of the states in-between, including Georgia, Moldova and Ukraine.
- Consider, in consultation with the World Trade Organization (WTO), whether it might be possible and useful to create a quick and light process for resolving trade disputes within the OSCE area.
- Consider the creation of an international committee of relevant stakeholders (including from outside the OSCE area) to promote economic development in Ukraine.

- Make proposals for a forum to bring together governments, companies and other relevant organizations from the entire Euro-Atlantic and Eurasian space, including China, to discuss opportunities for and obstacles to the development of better business relations between Europe, North America and Asia.

V. External Co-operation

The OSCE area is not an island. Crises in the adjacent regions impact Europe, through the spread of instability, spill-over of violent extremism and flows of refugees. The Panel invites the OSCE Chairmanship to:

- Enhance contacts with Partners for Co-operation to seek concrete solutions for specific instances of these problems.
- Work with regional organizations, i.e. in Asia and the Middle East, to exchange views on the OSCE's experience in promoting regional co-operation. Use the OSCE as a platform for dialogue among all organizations with an interest in Euro-Atlantic and Eurasian security, like Conference on Interaction and Confidence-Building Measures in Asia (CICA), the Collective Security Treaty Organization (CSTO), NATO and the Shanghai Co-operation Organization (SCO).
- Consider creating within the OSCE framework a working group to explore ways of more effectively countering violent extremism in the OSCE area.

If the process proposed by the Panel were to succeed, this would greatly improve the prospects for the Euro-Atlantic and Eurasian region. This in turn would open the way to a wider co-operation and dialogue with other partners in Asia and other regions in all three OSCE dimensions.

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Letter of Disagreement

I believe that the effort of the Panel has been honest, earnest and constructive. I appreciate the great effort of our rapporteurs and our chairman – Wolfgang Ischinger. And the text is a step forward in understanding what went wrong in Europe. I advise everybody to read attentively the long narratives in the Annex 1.

I agree with some of the assessments and proposals and appreciate that a number of my ideas were taken into consideration.

However, to my regret, I cannot support the text as it is for both intellectual and political reasons. I do not want to pepper it with two dozen footnotes, which would make it unreadable, would be a show of disrespect to the

hard work of our rapporteurs and put myself into a position of a "useful dissident".

The paper is basically an old Western one in substance, in logic and in recommendations (though I agree with some of them).

The text is still largely directed towards the past, aimed at a restoration of the status quo ante plus or minus. But the situation in and around Europe has changed and will be changing dramatically. Alas, many statements and recommendations are unrealistic or even counterproductive.

The text also is not aimed at prevention of a new structural military-political confrontation, which would be much more dangerous than in last decades of the Cold War. Its main emphasis is on making such a confrontation "safer".

But I reiterate my support for the positive elements in the text. And believe that it should be used as a point of departure for future open and frank intellectual and political deliberations accompanied by serious diplomacy, which could lead Europe out of its present failure in order to pave the way for a future-oriented common, effective, fair and thus stable European/Eurasian system of co-operation, co-development and security. We should not be bound to repeat mistakes of the past.

I call for continuation of a systemic and open dialogue, like we had in our panel. And I thank my fellow "wizards" for their efforts and for the friendly atmosphere during our debates.

Sergey A. Karaganov

Letter to the Panel

Dear Ambassador Ischinger,

Dear Members of the Panel,

I would like to sincerely thank Ambassador Ischinger, the distinguished members of our Panel and all those experts who were involved in its work for the extraordinary efforts that were unprecedented in its scale and complexity. I pay tribute to Ambassador Ischinger for having reconciled different views from the West, Moscow and the States in-between expressed during the Panel deliberations.

As for Kazakhstan's perspective, we seek to build with all our partners an indivisible Eurasian and Euro-Atlantic security community rooted in agreed principles, shared commitments and common goals as the Astana Commemorative Declaration affirmed in 2010. That is why this work is extremely essential and could be continued in this format or another one.

As I have not been directly involved in the meetings of the Panel where you spent a lot of time hammering out the Report and as the sitting Chairman of the Senate of the Parliament of the Republic of Kazakhstan I felt to be too

presumptuous to share co-authorship of the final draft of the Report as one of those who were part of the team par excellence.

Meanwhile, I strongly believe that this Report is a major step forward in international efforts to bring about a common solution to one of the most acute and difficult issues on the international agenda.

Please, accept the assurances of my highest consideration.

Yours sincerely,

Kassym-Jomart Tokayev

Annex 1: The Long Narratives

The View from the West

The Cold War ended with the collapse of communism in the Soviet Union and Central and Eastern Europe. Numerous European states as well as countries that had been incorporated into the Soviet empire were liberated from Soviet dominion. These states and their tens of millions of citizens now had the freedom to determine their own future, including their alliance memberships. This was not a victory of the West but a victory for freedom and democracy, and was recorded as such in the Charter of Paris in 1990.

In Paris, the Soviet Union and other states from the Euro-Atlantic space came together to welcome a "new era of Democracy, Peace and Unity" in Europe. "Europe whole and free", the Charter said, "is calling for a new beginning".

The West had prevailed in a clash of systems and ideas, but it did not try to exploit Russian weakness; instead it made an effort to support and stabilize the complicated transition as the Soviet Union disintegrated. It hoped that Russia too would become a successful democracy and a prosperous economy and would play a part in stabilizing Europe.

The end of the Cold War made possible the creation of a Europe that was whole and free, democratic and at peace. Key to this was the willingness of the countries themselves to take the hard decisions to enable their transformation. Their wish to reaffirm their Western and European identity meant that they wanted to join Western institutions, including NATO and the EU. This gave the West an opportunity to help both in their transition and in supporting stability in Europe.

The enlargement of NATO and the EU did not follow a Western plan to encircle Russia. It came about because large majorities in many of the newly-independent states wanted to return to the democratic family. On the other side the legacy of history meant that many NATO countries felt an obligation to help these states fulfill their legitimate aspirations.

To complement this the West aimed to build a strategic partnership with Russia that would include close co-operation with, if not integration in, these

Western institutions. With this in mind, the West proposed the NATO-Russia Founding Act and later the NATO-Russia Council. NATO's first round of enlargement in 1999 was realized after intensive discussions, including with Russia. Russia has also benefitted from the improved security environment enlargement created: inclusion in NATO meant that the states in Central and Eastern Europe did not have to seek solely national ways of providing for their defense.

EU policy also was to take relations with Russia forward in parallel with those of its other neighbours. The 1999 Common Strategy on Russia preceded the EU's decision on enlargement; the "four common spaces" initiative was in parallel with the European Neighbourhood Policy (ENP); and negotiations for the new bilateral agreement with Russia started before the Eastern Partnership – which was designed to take co-operation beyond the level of co-operation with ENP countries.

The claim that the EU took over Russia's markets is unfounded. When Russia adopted free market policies the idea of captive markets became a thing of the past. If Russia lost market share this was a result of the normal operation of open international markets. Russia's reluctance to modernize its economy may also have played a part.

To further deepen the partnership, Russia was also invited to join the G7. It was questionable whether Russia was ready for membership of a club of major economies who were also democracies. But the West wanted Russia to succeed and believed that in due course it would meet the normal standards for membership.

The process of rebuilding Europe was challenged by the disintegration of Yugoslavia, and the conflicts that emerged in the wake of the dissolution of the Soviet Union. Addressing the wars in the former Yugoslavia and the unresolved territorial and ethnic disputes in former Soviet countries brought the West into conflict with Russia. In Bosnia, this conflict was overcome through an intensive diplomatic process that included Russia. In the cases of Kosovo and in the unresolved conflicts in former Soviet countries, including in Georgia and Moldova, it was not possible to overcome deep-seated differences.

In Kosovo, the West tried to address the issue in partnership with Russia, seeking a political solution. When this failed and the signs of impending violence against Kosovars and refugee flows grew, the Western countries decided they could not again risk to wait for mass atrocities, as they had done in Bosnia, before they acted. On the question of Kosovo's status, many diplomatic avenues were pursued. Only after eight years, when it had proved impossible to find a solution acceptable to all parties, did Kosovo declare itself independent (accepting initial limitations on its sovereignty). Most countries of the West decided to recognize it as an independent state, and the majority of the international community has since joined them.

In the cases of the unresolved conflicts in post-Soviet states, the international community had recognized the territorial integrity of Azerbaijan, Georgia and Moldova. But for more than two decades Russia has now worked to support separatists in these countries, significantly weakening the states concerned.

When popular protests occurred in Georgia (2003), Ukraine (2004) and Kyrgyzstan (2005) conflict between Russia and the West grew. These so-called colour revolutions were the result of legitimately popular movements, protesting against fraudulent elections and corrupt elites; they led to peaceful transitions of power. But Moscow was increasingly afraid that such changes could spread to Russia, as well as jeopardize its supposed interests in its "near abroad".

The question of further enlargement of NATO was hotly debated by the Alliance's member states; they considered the concerns expressed by Russia about its security, yet in 2004 NATO was enlarged again on the demand and insistence of the candidate countries. The new members included former republics of the USSR as well as other Central and Eastern European states. This was consistent with their sovereign right to choose their own alliances.

At the NATO Bucharest Summit in April 2008, the requests of Georgia and Ukraine for Membership Action Plans were rejected. NATO instead decided that Georgia and Ukraine would become members of NATO but did not say how or when.

In August 2008, following a series of provocations and escalating exchanges of fire Georgia fell into what, in retrospect, looks like a Russian trap and moved against a town in South Ossetia (this region of Georgia, like neighbouring Abkhazia, had been under control of Russian-backed separatists since the early 1990s). The Georgian army was overwhelmed by a larger Russian force.

After the end of the fighting, in violation of a cease-fire agreement and international law, Russia recognized the independence of Abkhazia and South Ossetia and kept its troops in these regions. Many interpreted these actions as a pre-emptive Russian move against Georgian membership of NATO.

Even so, in early 2009, as one of its first acts the Obama administration pressed the "reset" button with Russia. A period of increased co-operation culminated in the NATO Lisbon summit in 2010, which renewed NATO-Russia relations including an envisaged joint missile defence system, and the New START Treaty (which entered into force in early 2012).

However, from 2012, mostly due to domestic reasons after Putin's re-election as president, the Russian government chose a more antagonistic course. Russia was growing more authoritarian internally and more assertive in its foreign policy. The West grew increasingly concerned about a Russian leadership that restricted personal freedoms and human rights at home. The countries close to Russia's border, in particular, warned that this authoritarian

turn would shape Moscow's foreign policy as well. It certainly did in Ukraine.

After months of negotiations and preparations, Ukrainian President Yanukovych had agreed to sign a limited EU Association Agreement at the EU Summit in Vilnius in November of 2013. After being called to Moscow the night before, he reneged on the agreement, which led to mass protests on the Maidan, which the President attempted to contain by violent means.

In February of 2014, several European foreign ministers agreed to witness a compromise agreement, which they hoped would end the crisis. Instead of seeing this pact through, Yanukovych left the country. The ensuing constitutional crisis was resolved by the parliament's election of an acting president and by well-organized and monitored elections first for a new president, then for parliament.

The Russian description of these events as a coup d'état is entirely inaccurate; equally wrong, as the election results proved, were Russian allegations of a takeover by the extreme right. The rhetoric employed by Russia, depicting Ukraine's youth and reformers as Nazis and murderers, is crude and hate-mongering language, an unacceptable return to the worst practices of a bygone era.

Nothing in the events in Ukraine can justify Russia's seizure by force of Crimea, in breach of international law, the UN Charter, the Helsinki Final Act and many other agreements. The claim that this was an act of self-determination would be more convincing if Russian forces had not been involved, if the procedures had complied with the Ukrainian constitution and if the referendum had taken place following an open debate and with proper international monitoring. Unlike Kosovo, which Russia cites as a precedent, this declaration of independence did not follow a decade of diplomatic negotiation and deliberation within the international community.

Nor is there any justification at all for Russia's armed intervention in eastern Ukraine, a further breach of basic principles of international law. This conflict has been sustained by Russian arms and by Russian forces.

Russia made no attempt at all to resolve the issues it may have had about Ukraine, including Crimea, peacefully or legally. It also dealt a blow to the non-proliferation of weapons of mass destructions, violating the security guarantees Ukraine received in the Budapest Memorandum for giving up its nuclear weapons. As a result of Russia's intervention, other countries may think twice before trusting a similar guarantee in the future.

Russia's policies in Ukraine follow the pattern of its relations with other former Soviet republics, where it has fostered (and then frozen) ethnic conflicts. Putin's stated conviction that Russia has the right to act to protect Russian-speakers – no matter where they are – potentially sows the seeds of future interventions to protect Russian "kin". It also violates numerous agreements Russia has signed, as well as the UN Charter.

Russia has decided to give up on any pretense of co-operating with, let alone integrating in, the West. It also has abandoned any pretense of playing by the rules, including respect for the political independence of sovereign states and the principle of not using force to change borders. As a result, Russia's definition of its security today means insecurity for its neighbours.

Due to its own choices, Russia today is a very different country from the 1990s and the early 2000s. Instead of focusing on domestic modernization, Russia is pursuing a revisionist and unpredictable foreign policy, manufacturing and actively seeking conflicts abroad to control the fate of its neighbours.

The View from Moscow

Starting with the negotiations on German unification, the West systematically took advantage of Russia's weakness. The West never acted in the spirit of the Charter of Paris, in which the indivisibility of security was a key concept. The West never tried to address security with Russia, only without it, or against it. The United States instead seized the opportunity to dominate international affairs especially in Europe.

The "common European home" failed because the West was unwilling to build new, open security architecture – and to fulfil its promises. The West talked of co-operation and expected co-operation from Moscow, but believed in Russia's perennial aggressiveness or/and weakness.

From the Russian side a crucial contribution was made to eliminate the material legacy of the era of confrontation. Russia had withdrawn its troops and armaments from Germany, Central and Eastern Europe and later from the Baltic countries, fully implemented the CFE Treaty by cutting thousands of conventional armaments and equipment pieces, signed and ratified the Agreement on the Adaptation of the CFE Treaty.

Under the slogan of promoting democratic values eastwards the West continued to expand its institutions at the expense of Russian security interests. It was the main dynamic after the Cold War. Consecutive waves of NATO's expansion reduced Russia's security. The EU's expansion took over Russia's markets, and as new member states joined Schengen the area of visa free travel for Russian citizens was reduced. In each case, as compensation, Russia was offered a formal junior partnership: the NATO-Russia Founding Act and the NATO-Russia Council were sugar coating for the bitter pill of enlargement; the EU's idea of partnership is that Russia should adopt its rules.

NATO enlargement was pursued in spite of dozens of assurances to the contrary. For example, NATO Secretary General Manfred Wörner said in May 1990, "the very fact that we are ready not to deploy NATO troops beyond the territory of the Federal Republic gives the Soviet Union firm security guarantees." But they did and do deploy troops all over this area.

NATO's 78-day bombing campaign against, what was left from Yugoslavia – Serbia, a small defenceless country, for something that it had not yet done, was an atrocity. The West involved Russia in the negotiations, but when there was no agreement it acted unilaterally. The intervention was an open and blatant breach of international and humanitarian law and the first breach of the Helsinki principles in post-war Europe – unfortunately not the last. Kosovo's unilateral declaration of independence was another illustration of the hollowness of the "partnership" between the West and Russia. It was a subversion of international law and the OSCE principles. Russia sat at the table, but, in the end, the West made the decisions, and made them against Russian interests and Helsinki principles. Kosovo's separation from Serbia took place without a referendum.

In the first years of the 2000s, the international legal order and global stability were further undermined by the United States with few protests from Europe. Russia was also frequently lectured on democracy and the rule of law, while the U.S. was running secret prisons and torturing prisoners. The U.S.-led intervention in Iraq in 2003 was not only another blatant violation of international law but has been one of the causes of the continuing turmoil in the Middle East.

The West has meanwhile continued to pursue regime change there, supporting the popular movements of the "Arab Spring", with catastrophic results especially in Syria, and occasionally using force, as in Libya.

The unresolved conflicts in the former Soviet Union – the so-called "frozen conflicts" – did not emerge after 1992 because of Russian involvement, but because large parts of the population in those areas wanted to stay with Russia, against the interest of the elites. When the conflicts started, Russia had to intervene to stop the bloodshed. Since then Russia has played a stabilizing role in the region, preventing the outbreak of major wars. Russian actions in Moldova/Transdniestria, and Tajikistan are among the rare examples of effective peacekeeping.

Before the 2008 NATO Bucharest Summit, the West did not even pretend to consult Russia, although the promise of NATO membership for Georgia and Ukraine was, as President Putin later said, "a direct threat" to Russian security. The war provoked by Georgia later in the year demonstrated the foolishness of the Bucharest decision.

Writing in 2008, former President Mikhail Gorbachev summed up Russia's view: "Russia has long been told to simply accept the facts. Here's the independence of Kosovo for you. Here's the abrogation of the Antiballistic Missile Treaty, and the American decision to place missile defences in neighbouring countries. Here's the unending expansion of NATO. All of these moves have been set against the backdrop of sweet talk about partnership. Why would anyone put up with such a charade?"

In spite of this on-going charade, Russia played its part in the "reset", taking the initiative to prepare a new European Security Treaty, the objective

of which was to make the principle of the indivisibility of security legally binding. Russia also proposed creation of a common economic and humanitarian space from Vladivostok to Lisbon. All initiatives came to nothing. Russia's willingness to co-operate on Libya was exploited by the West, again for it agenda of regime change, ending in profound destabilization, civil war and refugee flow.

The West continued to pursue a "Versailles policy in velvet gloves", constantly enlarging its sphere of interest and control.

Russia made its views known on all these subjects but no one listened. Instead a negative propaganda campaign was launched against Russia especially in 2012-2013 and Western leaders boycotted the Sochi Olympics. Moscow came to the conclusion that the West was starting a new containment policy. Russia had to pre-empt this and had to teach its partners to respect its vital interests.

All the elements came together in Ukraine: first the promise of NATO membership at the NATO Summit in Bucharest – a threat to Russia, then the attempt by the EU to increase its own economic space at the expense of Russia, and finally the open Western support for the Maidan regime change movement.

The EU's neighbourhood policies and its Eastern Partnership had created a situation in which several of Russia's closest neighbours were faced with an artificial choice: either they were with the West, or against it. Only in such an atmosphere of polarization and forced choices could the events that led to the coup d'état against President Yanukovych unfold.

Russia repeatedly expressed understanding for those protestors in Kyiv who demonstrated against corruption, bad government, and poverty. But those who forced the elected president of Ukraine to flee had a different agenda: they wanted to seize power and resorted to terror and murder. Nationalists, neo-Nazis, Russophobes and anti-Semites were behind this coup. And it was openly supported by Western officials.

Russia responded in the only language that gets Western attention.

People all over Ukraine realized what was happening. The people of Crimea overwhelmingly favoured its reunification with Russia in a referendum. Russia, unlike the West in many cases, did not use force in Crimea, only assured that others would not use it. Eastern Ukrainians also made it clear they would not accept the power grab of the new government in Kyiv. Russia is not a party to the conflict, but it has sympathies for the goals of the self-defence forces. The sanctions against Russia are unjustified and counterproductive and another blatant violation of international law as they were imposed without a decision of the UN Security Council.

Russia tried many times to prevent Western expansion but was not listened to. Positive alternatives were ignored and ridiculed. Europe has failed to capitalize on the chance offered by the end of the Cold War – to build a sustainable and fair security and co-operation system.

Western interventions in Yugoslavia, Iraq, Libya, the rupture of Kosovo, poor performance in Afghanistan, and open support for the Arab Spring have damaged the most important principles of international security and stability – namely state sovereignty and non-interference into internal affairs. It is the West's actions which are threats to international peace and security. The West has irresponsibly destabilized the international system: stable political orders are upended and replaced with nothing but chaos. Russia has not only lost trust in the West's words, but respect for the West's competence.

The View from the States in-between: A Perspective from Tbilisi

The states between Russia and the West share common historic features, but do not always have the same outlook on current affairs, security issues and even the future. Countries like Georgia, Moldova and Ukraine have chosen a clear pro-Western policy stance. They are more democratic, have better governance systems and are inclined to join the EU and/or NATO. To them, this is a matter of principle, international law, and people's choice and cannot be negotiated, or changed, as long as the populations and governments of the three countries have made their decisions.

Other countries, like Armenia and Belarus, have made it clear that they do not wish to join Western institutions and that good relations with Russia are their priority. Azerbaijan has chosen a middle position, balancing the West and Russia, pursuing a rather independent foreign-policy course. These positions too need to be respected, even if they are not so much a conscious choice, as a necessity of circumstance.

For these "states in-between", the end of the Cold War was not the greatest geopolitical tragedy of the 20th century, as Putin later argued, but the best thing that could happen to the former Soviet states. They regained their independence after the decades of Soviet domination. Russia has never adjusted to the idea of the demise of the Soviet Union and throughout the last two decades has attempted to reconstruct the lost empire, first through the creation of the Commonwealth of Independent States (CIS), then creating the CSTO and finally launching the idea of the Eurasian Economic Union.

As Russia and Western states engaged in the formation of the post-USSR European security order, former Soviet states engaged in debilitating domestic conflicts, civil wars and ethnic conflicts. As a result the governments were forcefully changed in Azerbaijan and Georgia; and in almost every post-Soviet state the politicians from the Soviet past returned to dominate local politics. The new generation of politicians only came to politics in the beginning of the 2000s as the colour revolutions swept post-Soviet space. The Rose Revolution dramatically changed Georgia as the new pro-Western Government eradicated corruption, implemented painful but necessary economic reforms, strengthened the state structures and increased its independence from Moscow. Its pro-Western foreign policy eventually antagonized

Russia, who became the biggest opponent of such democratic transitions and new methods of governance. This clash can be observed throughout the last decade with Moscow supporting old type of governance systems, with rampant corruption and inefficient bureaucracies. Today's confrontation between Ukraine and Moscow, according to one narrative, is the continuation of the Georgia vs. Russia clash, in which Moscow opposes any type of modernization, growing independence and Western integration of its neighbours.

All post-Soviet countries which are pursuing Western integration are ridden with the conflicts. Occupied regions of Abkhazia and South Ossetia, breakaway Transdniestria, war-torn Donbas and annexed Crimea hold back Georgia, Moldova and Ukraine in their goals of modernization and Western integration. These conflicts are a result of historical and modern processes, local and international events, but most importantly, of Moscow's interference. Many erupted in the beginning of the 1990s as the Soviet Union fell apart. Armenia and Azerbaijan fought a bloody war over Nagorno-Karabakh. Moldova and Georgia became engulfed in domestic conflicts, inspired and supported by Moscow. As a result Tbilisi lost de facto control of Abkhazia and South Ossetia and Chisinau lost control of Transdniestria. The Russian military presence in these conflict regions and its full support of the breakaway authorities essentially decided the outcome of the conflicts. Russia then used these conflicts to drag Georgia and other states into the CIS.

The role of Russia was never positive in conflict resolution. The West at that time did not consider the resolution of these conflicts a priority, mainly because it was busy with other conflicts – in former Yugoslavia and elsewhere. Therefore, Russia was given the status of a mediator in these conflicts and all peacekeeping operations and negotiating formats were centered around Moscow. As a result conflicts became frozen for the next decade, with the potential for explosion, as the states whose territorial integrity was violated were unable to accept the status quo.

The Russia-Georgia war of August 2008 was a logical embodiment of the destructive role that Russia played in the Georgian conflicts. Russia invaded Georgia as a result of a trap it had set up in the first place. Russian troops invaded Georgia directly as Tbilisi engaged in an attack on Tskhinvali, preceded by days of attacks on Georgian villages by South Ossetian irregular forces. The intervention by Russia was a response to the active pro-NATO and pro-EU policy of Georgia. After the April 2008 Bucharest decision that stated that "Georgia and Ukraine will become members of NATO", Russia resorted to the use of force to stop the enlargement process. Moreover, Russia occupied the two territories of Georgia and declared them independent states. This was a new paradigm that no one was ready for. At least, Russia could not be called neutral any more: it became a clear party to the conflict.

But it is not just NATO that Russia is concerned about. It is also the EU and its possible enlargement. In short, any Western "encroachment" is problematic for Moscow, even though it is in the vital security interests of neigh-

bouring states to integrate into Western structures. Russian statements denouncing the EU's Eastern Partnership did not go unnoticed. Nor did its hostile actions. In 2014, Victor Yanukovich, the pro-Russian President of Ukraine decided not to proceed with the Association Agreement with the EU, taking a decision similar to that of his Armenian colleague a few months earlier. As a result the Euromaidan revolution took place and the government was replaced through peaceful protests in Ukraine. Russia intervened openly in the process, discarding the Helsinki principles and directly violating international law. Moscow supported the ousted government, dubbed the new government a military junta, annexed Crimea and launched a military offensive in Donbas. Ukraine resisted and the conflict has dragged on, as the foundations of European security were shattered.

As a result of these two major developments in 2008 and 2014 nobody should have any illusion about Russia's true motivations in its immediate neighbourhood. The biggest threat to the security and well-being of its neighbours is Moscow's aggressive policy and its inability to accept independent neighbours. Therefore, as long as Russia is viewed in the West as a part of the solution, and not the problem, these problems will persist and the security of Russia's neighbours will be further undermined.

Some of Russia's neighbours accept Russia as a dominant partner which has a serious stake in their economy and provides security through the CSTO and the presence of its military bases. The big question is whether such Russian presence limits the independence of these countries in the foreign policy choices. Armenia and Belarus, Russia's two main partners in the Eastern Partnership, accept a strategic a strategic partnership with Moscow, but also try to diversify their economic, trade, and security policies. The West often does not understand that for these states foreign policy choices are about survival and power maximization, and they are therefore unable to resist strong Russian pressure. Trade embargoes, the threat of sanctions and politically motivated trade-related decisions have been felt throughout Russia's neighbourhood, from Riga to Tbilisi.

Many states in this group believe that the EU and NATO have not always used their instruments vis-à-vis them prudently. EU and NATO policies have been those of words and not of deeds. The membership perspective of Georgia and Ukraine in NATO is blocked by reluctant partners, who are unwilling to risk Russia's anger if these states become members of NATO. For this reason not even Membership Action Plans are given to Georgia and Moldova. When in need, neither Georgia, nor Ukraine received military assistance. With such ambiguous policies, the role and credibility of NATO in Armenia, Azerbaijan or Belarus is very limited and support for membership is split in Ukraine. Georgia remains the only country with high support for NATO membership. The biggest problem seems to be that NATO members are unwilling and unready to discuss the options: how could Georgia and Ukraine join, and what could be done to accommodate Russia's interests if

these countries became members. Therefore the discussion is postponed from Summit to Summit, as Russia becomes stronger and more assertive.

A similar lack of credibility applies to the EU. All Eastern Partnership states have declared their willingness to develop closer relations with the EU. But the EU's strategy towards this region has not been that of enlargement, based on conditionality, but rather a slow socialization, without the promise of membership benefits. Association Agreements, Deep and Comprehensive Free Trade Agreements and Visa Liberalization Action Plans are the three serious instruments that contribute significantly to the reforms of the Eastern Partnership countries. But short of the promise of membership, the reforms are likely to be successful only to the certain point. This demotivates some countries in the neighbourhood from pursuing active Europeanization, especially since the process is linked to high standards of human rights protection. The EU is often criticized by some states in the Eastern Partnership for being too vocal on the issue of human rights and democracy, but not having anything to offer to these states in return.

Existing security institutions and regimes in Europe are no longer efficient. The OSCE is ineffective because of Russia's veto power; the EU and NATO are inaccessible. All agreed security regimes, like CFE, are now effectively defunct. The Adapted CFE Treaty agreed in Istanbul in 1999 was a cornerstone for arms control in the OSCE area. Because of insistence of the US and NATO, Russia agreed to withdraw its military installations from the neighbouring states. Georgia and Moldova requested Russia to withdraw the forces, while Armenia wanted to maintain the military presence. Nevertheless, Russia never fully withdrew, particularly from the conflict regions. This led to the crisis of the OSCE, the unwillingness of Western states to ratify the Treaty, then Russia's decision to declare a moratorium on the treaty implementation, and finally the death of CFE.

The OSCE was an organization that these "states in-between" hoped to benefit from. Indeed, as a forum for exchanging information, the OSCE is valuable, but its role has become insignificant in the last decade, with the exception of the SMM in Ukraine. Therefore, the states between Russia and the West believe that they need to be better represented in the security discussions between the West and Russia.

Finally, there is an overwhelming mood of concern among Russia's neighbours who also border the EU and NATO. They are always concerned that if something major happens in the global arena, like the "reset policy" or conflicts in Syria or Afghanistan, an informal deal will be "struck" between Russia and the West about the "fate" of Russia's near abroad. This cannot be tolerated. It should be a matter of principle for Western Europe and the United States, not to abandon Georgia, Moldova and Ukraine in their quest to integrate into the EU and NATO. As the Baltic states and Central and Eastern European countries managed to slip away from Russia's grip, these countries hope to do so, too.

Panel Members

Wolfgang Ischinger (Germany), Chairperson primus inter pares of the Panel
Ambassador Ischinger is currently the Chairman of the Munich Security Conference. Before this appointment, he served as Ambassador to the United Kingdom (2006-2008) and the United States (2001-2006), and as Deputy Foreign Minister of Germany (1998-2001). In 2007, he represented the European Union in the Troika negotiations on the future of Kosovo. In 2014, he served as the Special Representative of the OSCE Chairperson-in-Office, promoting national dialogue in the Ukrainian crisis. He is a member of both the Trilateral Commission and the European Council on Foreign Relations, and serves on many non-profit boards, including SIPRI.

Dora Bakoyannis (Greece)
Dora Bakoyannis is a Member of the Greek Parliament. She was Minister of Foreign Affairs (2006-2009) and OSCE Chairperson-in-Office in 2009. Previously, she served as the first female Mayor of Athens (2003-2006) and was appointed Minister for Culture (1992) and Under-Secretary of State (1990). In 2009, Dora Bakoyannis was named as the first female foreign associate of the French Academy of Human and Political Sciences, and as Honorary Senator of the European Academy of Sciences and Art. Prior to her political career, she worked for the Department of European Economic Community Affairs at the Ministry of Economic Co-ordination.

Tahsin Burcuoğlu (Turkey)
Ambassador Burcouğlu currently serves as the First Deputy Secretary General of the Organization of the Black Sea Economic Cooperation. During his distinguished career in the Turkish foreign service, he held number of important positions, including policy planner and Ambassador to Bulgaria, Greece and France. He also served as Secretary General of the Turkish National Security Council and headed the Turkish National Security Council's Secretariat.

Ivo H. Daalder (United States of America)
Dr. Daalder is the President of the Chicago Council on Global Affairs. Before this appointment he served as the Ambassador to the NATO (2009-2013) and a senior fellow in foreign policy studies at the Brookings Institution (1998-2009), specializing in American foreign policy, European security and transatlantic relations, and national security affairs. Prior to joining Brookings, he was an Associate Professor at the University of Maryland's School of Public Policy and Director of Research at its Center for International and Security Studies. He also served on the National Security Council staff as Director for European Affairs (1995-1997).

Oleksandr Chalyi (Ukraine)
Ambassador Chalyi is currently the President of Grant Thornton. He served as a Foreign Policy Advisor to the President of Ukraine (2006-2008), State Secretary for European integration issues (2001-2004), and first Deputy Minister for Foreign Affairs of Ukraine (1998-2001). He was Ambassador of Ukraine to Romania (1995-1998) and to the Council of Europe (2001), settling urgent issues in Ukrainian foreign policy. Amb. Chalyi has over 35 years of experience in diplomatic and state service, legal and advisory practices. He has received a number of national and international awards.

Vaira Vike-Freiberga (Latvia)
Prof. Vike-Freiberga has served as President of Latvia (1999-2007). She was appointed by UN Secretary-General Kofi Annan as Special Envoy on UN reform in 2005. She was Vice Chair of the European Council's Reflection Group on the long term Future of Europe, and she chaired the High-level group on freedom and pluralism of media in the EU in 2011-12. Currently she is President of the Club de Madrid and Co-chair of the Board of Trustees of the Nizami Ganjavi International Centre. Prior to entering politics, she pursued a professorial career at the Department of Psychology of the University of Montreal (1965-1998).

Jean-Marie Guéhenno (France)
Jean-Marie Guéhenno is the President and the CEO of International Crisis Group. He chaired a commission to review the French defense and national security white paper established by President François Hollande. In 2012, he was appointed Deputy Joint Special Envoy of the UN and the Arab League for Syria. He has also served as UN Under-Secretary-General for Peace-keeping Operations (2000-2008). As a former French diplomat, he held the position of Chairman of the Institut des Hautes Études de Défense Nationale (1998-2000), served as Director of the French Policy Planning Staff and as Ambassador to the Western European Union.

Barbara Haering (Switzerland)
Dr. Haering is the Director of the private think tank econcept Inc. She was a member of the Swiss Parliament from 1990 to 2007. In this capacity, she chaired the Committee on Science, Education and Culture and the Defense Committee, and was Vice-President of the OSCE Parliamentary Assembly. She is Co-Chair of the European Research and Innovation Area Board. She also chairs the Board of the Institute for Advanced Studies in Public Administration in Lausanne and presides over the Foundation Council of the Geneva International Center for Humanitarian Demining.

Sergi Kapanadze (Georgia)
Dr. Kapanadze is the Director of the think tank Georgia's Reforms Associates, Dean of the School of Governance at Caucasus University and Associate Professor of International Relations at the Tbilisi State University. He was

Deputy Foreign Minister (2011-2012) and Director of the Department of International Organizations at the Ministry of Foreign Affairs of Georgia (2008-2011), where he had served in various positions since 2005. In 2006, he was Senior Advisor in the Analytical Group of the Administration of the President of Georgia. He also worked as Policy Analyst at the International Security Department of the National Security Council of Georgia (2004-2005).

Sergey A. Karaganov (Russian Federation)
Prof. Karaganov is Dean of the School of International Economics and Foreign Affairs of the National Research University Higher School of Economics. He is author of numerous publications on economics, foreign policy, arms control, national security strategy, and Russia's foreign and military policy. His previous positions include: Member of the Presidential Council (1993-1998), Adviser to the Deputy Chief of Staff of Presidential Executive Office (2001-2007), Member of the Academic Council of the MFA of Russia (since 1991), and Member of the Academic and Advisory Council, Russian Security Council (since 1993).

Malcolm Rifkind (United Kingdom)
Sir Malcolm Rifkind is a former Member of Parliament (1974-1997, 2005-2015). He served in various roles as a Cabinet Minister under Prime Ministers Margaret Thatcher and John Major, including as Foreign Secretary (1995-1997), Secretary of State for Defence (1992-1995), Secretary of State for Transport (1990-1992), and Secretary of State for Scotland (1986-1990). In 1997 he was knighted in recognition of his public service.

Adam Daniel Rotfeld (Poland)
Prof. Rotfeld currently serves as Professor at Warsaw University. He was Minister of Foreign Affairs of Poland (2005) and Secretary of State (2003-2004). He established the Warsaw Reflection Group on the United Nations Reform and the Transformation of the Euro-Atlantic Security Institutions. Previously he served as Director of the Stockholm International Peace Research Institute (1991-2002) and as a project leader on Building a Cooperative Security System in and for Europe at SIPRI (1989-1991). He was Personal Representative of the OSCE Chairperson-in-Office to develop the political settlement of the conflict in Transdnistria in 1992. Since 2008 he has been co-chairing the Polish-Russian Group on Difficult Matters.

Teija Tiilikainen (Finland)
Dr. Tiilikainen is the Director of the Finnish Institute of International Affairs. She served as State Secretary at the Ministry for Foreign Affairs of Finland (2007-2008). She has extensive experience in foreign policy issues, including the Common Foreign and Security Policy of the EU and the European security policy system. She has held research positions at the University of Turku,

Åbo Akademi University, the Finnish National Defence College, and the University of Helsinki. She has published widely.

Kassym-Jomart Tokayev (Kazakhstan)
Dr. Tokayev is currently Chairman of the Senate of the Parliament of the Republic of Kazakhstan. He was Director-General of the UN Office at Geneva, Secretary-General of the Conference on Disarmament and Personal Representative of the Secretary-General of the UN to this Conference (2011-2013). He served as Chairman of the Senate of the Parliament of the Republic of Kazakhstan (2007-2011) during which he was elected Vice-President of the OSCE Parliamentary Assembly (2008). He has also served as Secretary of State (2002-2003), Prime Minister of Kazakhstan (1999-2002), and Minister for Foreign Affairs (1994-1999, 2002-2007).

Ivo Visković (Serbia)
Prof. Visković currently serves as Professor at the Faculty of Political Sciences at the University of Belgrade. He was Serbian Ambassador to Germany (2009-2013) and Ambassador of Serbia and Montenegro in Slovenia (2001-2004). In 2007, he became a member of the Council for Foreign Policy of the Minister for Foreign Affairs and the Chairman of the Forum for International Relations. Prior to this, he lectured at the University of Belgrade in the Faculty of Political Sciences from 1979, where he was the Head of the Department of International Studies (2000-2009).

Panel Meetings

8 February 2015: Munich, Germany
First working session of the Panel
26–27 March 2015: Vienna, Austria
Consultations on the Interim Report
29–30 April 2015: Kyiv, Ukraine
Consultations on the Interim Report
5 May 2015: Geneva, Switzerland
Second working session of the Panel
17–18 June 2015: Vienna, Austria
Third working session of the Panel
14–15 September 2015: Brussels, Belgium
Fourth working session of the Panel
2 October 2015: Belgrade, Serbia
Fifth working session of the Panel

Panel Support

Drafting/Editorial Team

- Sir Robert Cooper, European Council on Foreign Affairs, London School of Economics and Political Science
- Dr. Walter Kemp, International Peace Institute
- Mr. Adrian Oroz, Munich Security Conference Foundation

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- Dr. Wolfgang Zellner, IFSH Centre for OSCE Research

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- Amb. Friedrich Tanner, Senior Adviser to the Secretary General, OSCE Secretariat
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- Ms. Anna Kabanen, Intern, OSCE Secretariat

Munich Security Conference Foundation

- Mr. Tim Gürtler, Director for Programs and Operations
- Ms. Sara-Sumie Yang, Head of the Chairman's Office

Annex 3: Panel Mandate

Purpose and Role of the Panel

The consensus on European security as a common project, as reflected in the Charter of Paris on the basis of the Helsinki Final Act, has gradually eroded over the past years. The implementation of commitments has been uneven and the resulting decrease of trust has weakened several cornerstones of co-operative security. This crisis of European security has been aggravated by the crisis in and around Ukraine. In addition to continuing efforts to restore peace to Ukraine, it is time to start addressing the broader crisis of European security too.

The Panel of Eminent Persons on European Security as a Common Project - hereafter called 'the Panel' - is designed to provide advice on how to (re-)consolidate European security as a common project.

In particular, the Panel will

- Prepare the basis for an inclusive and constructive security dialogue across the Euro-Atlantic and Eurasian regions, taking into consideration the recent crisis in and around Ukraine in its broader

perspective as well as other situations in the OSCE area where participating States consider their security to be threatened;

- Reflect on how to re-build trust to enhance peace and security in Europe on the grounds of the Helsinki Final Act and the Charter of Paris and on how to ensure effective adherence to the Helsinki Principles Guiding Relations between participating States;
- Examine perceived threats in the OSCE area and explore common responses;
- Explore possibilities to reconfirm, refine, reinvigorate and complement elements of co-operative security;
- Analyse the particular role of the OSCE in this context, as well as its role in preventing and resolving crises in the OSCE area, including in Ukraine.

Launched in the context of the OSCE Ministerial Council in Basel in December 2014 after consultations with OSCE participating States, the Panel is commissioned by the former Swiss Chairmanship, in close co-operation with the Serbian Chairmanship 2015 and the German Chairmanship 2016.

Membership

The Panel is composed of 15 eminent personalities from all OSCE regions, headed by a Chairperson primus inter pares. The Panel will gather personalities with long-standing practical expertise in European security in all its dimensions and include policymakers as well as representatives of think tanks. Members of the Panel serve in their individual capacity.

Outputs

The Panel shall produce two reports:

1. An Interim Report, in particular on lessons learned for the OSCE from its engagement in Ukraine.
2. A Final Report on the broader issues of security in Europe and the OSCE area at large, as outlined above.

Both reports should contain recommendations on action points for policy makers, including for the OSCE Ministerial Council and participating States.

Working Methods

General guidance will be provided by the OSCE Troika 2015.
    The Panel will seek input from participating States, the OSCE Institutions, the OSCE Parliamentary Assembly, multilateral actors concerned with

European security issues, civil society, think tanks, and other relevant actors through hearings, commissioning of papers, and other forms of activities.

The Panel and individual members will be provided opportunities to engage with high-level representatives of participating States (for example in the form of side events at multilateral conferences and other international events).

The Panel will be assisted by a support unit which will provide operational and logistical support in convening meetings as well as substantive support in drafting the reports. The OSCE Secretariat will provide additional operational and logistical support, as needed. The OSCE network of think thanks and academic institutions should be engaged as a contributor for research- and input-papers.

The Panel will address in parallel the different issues outlined above, irrespective of the more specific focus of the Interim Report.

Timeframe

- Presentation of the Panel and constitutive meeting (January/February 2015)
- Interim Report (June 2015)
- Final Report (November/December 2015): presentation at the Ministerial Council in Belgrade
- Follow-up (2016)
- Further outreach events at multilateral conferences;
- Presentation of the report at, inter alia, WEF, Munich Security Conference, in the margins of UNGA;
- Discussion of the report in the appropriate OSCE fora.

Financing

The Panel will be financed through voluntary contributions.

Forms and Forums of Co-operation in the OSCE Area

Group of Seven (G7)
Organization for Economic Co-operation and Development (OECD)

Council of Europe (CoE)

North Atlantic Treaty Organization (NATO)
Euro-Atlantic Partnership Council (EAPC)
Partnership for Peace (PfP)
NATO-Russia Council
NATO-Ukraine Charter/NATO-Ukraine Commission
NATO Partners across the Globe

European Union (EU)
EU Candidate Countries
EU Association Agreements
Stabilisation and Association Agreements (SAA)

Commonwealth of Independent States (CIS)
Eurasian Economic Union (EAEU)
Collective Security Treaty Organization (CSTO)

Baltic Assembly/Baltic Council of Ministers
Barents Euro-Arctic Council
Observers to the Barents Euro-Arctic Council
Nordic Council
Council of the Baltic Sea States (CBSS)

Regional Co-operation Council (RCC)
South Eastern European Co-operation Process (SEECP)
Central European Free Trade Agreement/Area (CEFTA)
Central European Initiative (CEI)
Black Sea Economic Co-operation (BSEC)

North American Free Trade Area (NAFTA)

Shanghai Cooperation Organisation (SCO)
Observer States to the SCO
SCO Dialogue Partners

Sources:
OECD: *www.oecd.org*
Council of Europe: *www.coe.int*
NATO: *www.nato.int*
EU: *europa.eu*
CIS: *www.cis.minsk.by*
EAEU: *www.eaeunion.org*
CSTO: *www.odkb-csto.org*
Baltic Assembly/Baltic Council of Ministers: *www.baltasam.org*
Barents Euro-Arctic Council: *www.beac.st*
Nordic Council: *www.norden.org*
CBSS: *www.cbss.org*
RCC: *www.rcc.int*
CEFTA: *www.cefta.int*
CEI: *www.ceinet.org*
BSEC: *www.bsec-organization.org*
NAFTA: *www.naftanow.org*
SCO: *www.sectsco.org*

The 57 OSCE Participating States – Facts and Figures[1]

1. Albania

Date of accession: June 1991
Scale of contributions: 0.125 per cent (OSCE ranking: 40)[2]
Area: 28,748 km² (OSCE ranking: 46)[3]
Population: 3,029,278 (OSCE ranking: 41)[4]
GDP per capita in current U.S. dollars: 4,619
GDP growth: 1.9 per cent (OSCE ranking: 27)[5]
Armed forces (active): 8,000 (OSCE ranking: 43)[6]
Memberships and forms of co-operation: CoE (1995), NATO (2009), EAPC,
EU Candidate Country, SAA (2006), RCC, SEECP, CEFTA, CEI (1996),
BSEC.

2. Andorra

Date of accession: April 1996
Scale of contributions: 0.125 per cent (40)
Area: 468 km² (52)
Population: 85,580 (53)
GDP per capita in current U.S. dollars: 42,806[7]
GDP growth: -0.1[8]
Armed forces (active): none
Memberships and forms of co-operation: CoE (1994).

3. Armenia

Date of accession: January 1992
Scale of contributions: 0.05 per cent (49)
Area: 29,743 km² (45)
Population: 3,056,382 (40)
GDP per capita in current U.S. dollars: 3,620
GDP growth: 3.4 per cent (12)
Armed forces (active): 44,800 (17)
Memberships and forms of co-operation: CoE (2001), EAPC, PfP (1994),
CIS (1991), EAEU, CSTO, BSEC, SCO Dialogue Partner.

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1   Compiled by Jochen Rasch.
2   Of 57 states.
3   Of 57 states.
4   Of 57 states.
5   Of 49 states.
6   Of 49 states.
7   2013.
8   2013.

4. Austria
Date of accession: June 1973
Scale of contributions: 2.51 per cent (13)
Area: 83,871 km² (29)
Population: 8,665,550 (24)
GDP per capita in current U.S. dollars: 51,127
GDP growth: 0.3 per cent (42)
Armed forces (active): 22,500 (26)
Memberships and forms of co-operation: OECD (1961), CoE (1956), EAPC,
PfP (1995), EU (1995), RCC, CEI (1989).

5. Azerbaijan
Date of accession: January 1992
Scale of contributions: 0.05 per cent (49)
Area: 86,600 km² (28)
Population: 9,780,780 (22)
GDP per capita in current U.S. dollars: 7,884
GDP growth: 2 per cent (25)
Armed forces (active): 66,950 (13)
Memberships and forms of co-operation: CoE (2001), EAPC, PfP (1994),
CIS (1991), BSEC, SCO Dialogue Partner.

6. Belarus
Date of accession: January 1992
Scale of contributions: 0.28 per cent (30)
Area: 207,600 km² (20)
Population: 9,589,689 (23)
GDP per capita in current U.S. dollars: 8,040
GDP growth: 1.6 per cent (31)
Armed forces (active): 48,000 (15)
Memberships and forms of co-operation: EAPC, PfP (1995), CIS (1991),
EAEU, CSTO, CEI (1996), Observer State to the SCO.

7. Belgium
Date of accession: June 1973
Scale of contributions: 3.24 per cent (10)
Area: 30,528 km² (44)
Population: 11,323,973 (16)
GDP per capita in current U.S. dollars: 47,517
GDP growth: 1.1 per cent (36)
Armed forces (active): 30,700 (22)
Memberships and forms of co-operation: OECD (1961), CoE (1949), NATO
(1949), EAPC, EU (1958).

8. Bosnia and Herzegovina
Date of accession: April 1992
Scale of contributions: 0.125 per cent (40)
Area: 51,197 km² (37)
Population: 3,867,055 (38)
GDP per capita in current U.S. dollars: 4,805
GDP growth: 1.2 per cent (35)
Armed forces (active): 10,500 (39)
Memberships and forms of co-operation: CoE (2002), EAPC, PfP (2006), SAA (2008), RCC, SEECP, CEFTA, CEI (1992).

9. Bulgaria
Date of accession: June 1973
Scale of contributions: 0.55 per cent (26)
Area: 110,879 km² (24)
Population: 7,186,893 (27)
GDP per capita in current U.S. dollars: 7,713
GDP growth: 1.7 per cent (30)
Armed forces (active): 31,300 (21)
Memberships and forms of co-operation: CoE (1992), NATO (2004), EAPC, EU (2007), RCC, SEECP, CEI (1996), BSEC.

10. Canada
Date of accession: June 1973
Scale of contributions: 5.53 per cent (7)
Area: 9,984,670 km² (2)
Population: 35,099,836 (11)
GDP per capita in current U.S. dollars: 50,271
GDP growth: 2.5 per cent (18)
Armed forces (active): 66,000 (14)
Memberships and forms of co-operation: G7 (1976), OECD (1961), NATO (1949), EAPC, Observer to the Barents Euro-Arctic Council, RCC, NAFTA.

11. Croatia
Date of accession: March 1992
Scale of contributions: 0.19 per cent (33)
Area: 56,594 km² (36)
Population: 4,464,844 (37)
GDP per capita in current U.S. dollars: 13,507
GDP growth: -0.4 per cent (45)
Armed forces (active): 16,550 (33)
Memberships and forms of co-operation: CoE (1996), NATO (2009), EAPC, EU (2013), RCC, SEECP, CEI (1992).

12. Cyprus
Date of accession: June 1973
Scale of contributions: 0.19 per cent (33)
Area: 9,251 km² (50)[9]
Population: 1,189,197 (48)[10]
GDP per capita in current U.S. dollars: 27,194
GDP growth: -2.3 per cent (48)
Armed forces (active): 12,000 (36)[11]
Memberships and forms of co-operation: CoE (1961), EU (2004).

13. Czech Republic
Date of accession: January 1993
Scale of contributions: 0.57 per cent (25)
Area: 78,867 km² (30)
Population: 10,644,842 (19)
GDP per capita in current U.S. dollars: 19,554
GDP growth: 2 per cent (25)
Armed forces (active): 21,000 (30)
Memberships and forms of co-operation: OECD (1995), CoE (1993), NATO (1999), EAPC, EU (2004), RCC, CEI (1990/1993).

14. Denmark
Date of accession: June 1973
Scale of contributions: 2.1 per cent (14)
Area: 43,094 km² (40)
Population: 5,581,503 (30)
GDP per capita in current U.S. dollars: 60,634
GDP growth: 1.1 per cent (36)
Armed forces (active): 17,200 (32)
Memberships and forms of co-operation: OECD (1961), CoE (1949), NATO (1949), EAPC, EU (1973), Barents Euro-Arctic Council, Nordic Council (1952), CBSS (1992), RCC.

15. Estonia
Date of accession: September 1991
Scale of contributions: 0.19 per cent (33)
Area: 45,228 km² (39)
Population: 1,265,420 (47)
GDP per capita in current U.S. dollars: 19,720
GDP growth: 2.1 per cent (24)
Armed forces (active): 5,750 (46)

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9   Greek sector: 5,896 km², Turkish sector: 3,355 km².
10   Total of Greek and Turkish sectors.
11   Turkish sector: 3,500.

Memberships and forms of co-operation: OECD (2010), CoE (1993), NATO (2004), EAPC, EU (2004), Baltic Assembly/Baltic Council of Ministers, CBSS (1992).

16. Finland
Date of accession: June 1973
Scale of contributions: 1.85 per cent (16)
Area: 338,145 km² (14)
Population: 5,476,922 (31)
GDP per capita in current U.S. dollars: 49,541
GDP growth: -0.1 per cent (44)
Armed forces (active): 22,200 (27)
Memberships and forms of co-operation: OECD (1969), CoE (1989), EAPC, PfP (1994), EU (1995), Barents Euro-Arctic Council, Nordic Council (1955), CBSS (1992), RCC.

17. France
Date of accession: June 1973
Scale of contributions: 9.35 per cent (2)
Area: 643,801 km² (7)
Population: 66,553,766 (5)
GDP per capita in current U.S. dollars: 42,733
GDP growth: 0.2 per cent (43)
Armed forces (active): 215,000 (4)
Memberships and forms of co-operation: G7 (1975), OECD (1961), CoE (1949), NATO (1949), EAPC, EU (1958), Observer to the Barents Euro-Arctic Council, RCC.

18. Georgia
Date of accession: March 1992
Scale of contributions: 0.05 per cent (49)
Area: 69,700 km² (33)
Population: 4,931,226 (35)
GDP per capita in current U.S. dollars: 3,670
GDP growth: 4.8 per cent (5)
Armed forces (active): 20,650 (31)
Memberships and forms of co-operation: CoE (1999), EAPC, PfP (1994), EU Association Agreement, BSEC.

19. Germany
Date of accession: June 1973
Scale of contributions: 9.35 per cent (2)
Area: 357,022 km² (13)
Population: 80,854,408 (3)

GDP per capita in current U.S. dollars: 47,627
GDP growth: 1.6 per cent (31)
Armed forces (active): 181,550 (5)
Memberships and forms of co-operation: G7 (1975), OECD (1961), CoE (1950), NATO (1955), EAPC, EU (1958), Observer to the Barents Euro-Arctic Council, CBSS (1992), RCC.

20. Greece
Date of accession: June 1973
Scale of contributions: 0.98 per cent (19)
Area: 131,957 km² (23)
Population: 10,775,643 (18)
GDP per capita in current U.S. dollars: 21,683
GDP growth: 0.8 per cent (40)
Armed forces (active): 144,950 (8)
Memberships and forms of co-operation: OECD (1961), CoE (1949), NATO (1952), EAPC, EU (1981), RCC, SEECP, BSEC.

21. The Holy See
Date of accession: June 1973
Scale of contributions: 0.125 per cent (40)
Area: 0.44 km² (57)
Population: 842 (57)[12]
GDP per capita in current U.S. dollars: n/a
GDP growth: n/a
Armed forces (active): 110 (52)[13]
Memberships and forms of co-operation: none.

22. Hungary
Date of accession: June 1973
Scale of contributions: 0.6 per cent (23)
Area: 93,028 km² (26)
Population: 9,897,541 (20)
GDP per capita in current U.S. dollars: 13,903
GDP growth: 3.6 per cent (10)
Armed forces (active): 26,500 (24)
Memberships and forms of co-operation: OECD (1996), CoE (1990), NATO (1999), EAPC, EU (2004), RCC, CEI (1989).

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12 2014 (estimated).
13 Authorized strength 110 members of the Swiss Guard, see: http://www.vatican.va/roman_curia/swiss_guard/500_swiss/documents/rc_gsp_20060121_informazioni_it.html.

23. Iceland

Date of accession: June 1973
Scale of contributions: 0.19 per cent (33)
Area: 103,000 km² (25)
Population: 331,918 (52)
GDP per capita in current U.S. dollars: 52,111
GDP growth: 1.9 per cent (27)
Armed forces (active): none
Memberships and forms of co-operation: OECD (1961), CoE (1950), NATO (1949), EAPC, Barents Euro-Arctic Council, Nordic Council (1952), CBSS (1995).

24. Ireland

Date of accession: June 1973
Scale of contributions: 0.75 per cent (21)
Area: 70,273 km² (32)
Population: 4,892,305 (36)
GDP per capita in current U.S. dollars: 53,314
GDP growth: 4.8 per cent (5)
Armed forces (active): 9,350 (41)
Memberships and forms of co-operation: OECD (1961), CoE (1949), EAPC, PfP (1999), EU (1973), RCC.

25. Italy

Date of accession: June 1973
Scale of contributions: 9.35 per cent (2)
Area: 301,340 km² (17)
Population: 61,855,120 (7)
GDP per capita in current U.S. dollars: 34,960
GDP growth: -0.4 per cent (45)
Armed forces (active): 176,000 (6)
Memberships and forms of co-operation: G7 (1975), OECD (1962), CoE (1949), NATO (1949), EAPC, EU (1958), Observer to the Barents Euro-Arctic Council, RCC, CEI (1989).

26. Kazakhstan

Date of accession: January 1992
Scale of contributions: 0.36 per cent (28)
Area: 2,724,900 km² (4)
Population: 18,157,122 (14)
GDP per capita in current U.S. dollars: 12,276
GDP growth: 4.3 per cent (8)
Armed forces (active): 39,000 (18)

Memberships and forms of co-operation: EAPC, PfP (1994), CIS (1991), EAEU, CSTO, SCO.

27. Kyrgyzstan
Date of accession: January 1992
Scale of contributions: 0.05 per cent (49)
Area: 199,951 km² (21)
Population: 5,664,939 (29)
GDP per capita in current U.S. dollars: 1,269
GDP growth: 3.6 per cent (10)
Armed forces (active): 10,900 (38)
Memberships and forms of co-operation: EAPC, PfP (1994), CIS (1991), EAEU, CSTO, SCO.

28. Latvia
Date of accession: September 1991
Scale of contributions: 0.19 per cent (33)
Area: 64,589 km² (35)
Population: 1,986,705 (45)
GDP per capita in current U.S. dollars: 16,038
GDP growth: 2.4 per cent (19)
Armed forces (active): 5,310 (48)
Memberships and forms of co-operation: CoE (1995), NATO (2004), EAPC, EU (2004), Baltic Assembly/Baltic Council of Ministers, CBSS (1992), RCC.

29. Liechtenstein
Date of accession: June 1973
Scale of contributions: 0.125 per cent (40)
Area: 160 km² (54)
Population: 37,624 (54)
GDP per capita in current U.S. dollars: 149,160[14]
GDP growth: n/a
Armed forces (active): none[15]
Memberships and forms of co-operation: CoE (1978), EU Association Agreement.

30. Lithuania
Date of accession: September 1991
Scale of contributions: 0.19 per cent (33)
Area: 65,300 km² (34)

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14   2012.
15   In 1868, the armed forces were dissolved, see: https://web.archive.org/web/20130508075411/http://www.liechtenstein.li/index.php?id=60&L=1.

Population: 2,884,433 (43)
GDP per capita in current U.S. dollars: 16,445
GDP growth: 2.9 per cent (14)
Armed forces (active): 10,950 (37)
Memberships and forms of co-operation: CoE (1993), NATO (2004), EAPC,
EU (2004), Baltic Assembly/Baltic Council of Ministers, CBSS (1992).

31. Luxembourg
Date of accession: June 1973
Scale of contributions: 0.47 per cent (27)
Area: 2,586 km² (51)
Population: 570,252 (50)
GDP per capita in current U.S. dollars: 110,664[16]
GDP growth: 2.0[17]
Armed forces (active): 900 (51)
Memberships and forms of co-operation: OECD (1961), CoE (1949), NATO
(1949), EAPC, EU (1958).

32. The Former Yugoslav Republic of Macedonia
Date of accession: October 1995
Scale of contributions: 0.125 per cent (40)
Area: 25,713 km² (47)
Population: 2,096,015 (44)
GDP per capita in current U.S. dollars: 5,456
GDP growth: 3.8 per cent (9)
Armed forces (active): 8,000 (43)
Memberships and forms of co-operation: CoE (1995), EAPC, PfP (1995), EU
Candidate Country, RCC, SEECP, CEFTA, CEI (1993).

33. Malta
Date of accession: June 1973
Scale of contributions: 0.125 per cent (40)
Area: 316 km² (53)
Population: 413,965 (51)
GDP per capita in current U.S. dollars: 22,776[18]
GDP growth: 2.9[19]
Armed forces (active): 1,950 (50)
Memberships and forms of co-operation: CoE (1965), EAPC, PfP
(1995/2008[20]), EU (2004).

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16   2013.
17   2013.
18   2013.
19   2013.

34. Moldova
Date of accession: January 1992
Scale of contributions: 0.05 per cent (49)
Area: 33,851 km² (43)
Population: 3,546,847 (39)
GDP per capita in current U.S. dollars: 2,234
GDP growth: 4.6 per cent (7)
Armed forces (active): 5,350 (47)
Memberships and forms of co-operation: CoE (1995), EAPC, PfP (1994), EU
Association Agreement, CIS (1991), RCC, SEECP, CEFTA, CEI (1996),
BSEC.

35. Monaco
Date of accession: June 1973
Scale of contributions: 0.125 per cent (40)
Area: 2.00 km² (56)
Population: 30,535 (56)
GDP per capita in current U.S. dollars: 163,351[21]
GDP growth: n/a
Armed forces (active): none
Memberships and forms of co-operation: CoE (2004).

36. Mongolia
Date of accession: November 2012
Scale of contributions: 0.05 per cent (49)
Area: 1,564,116 km² (5)
Population: 2,992,908 (42)
GDP per capita in current U.S. dollars: 4,129
GDP growth: 7.8 per cent (3)
Armed forces (active): 10,000 (40)
Memberships and forms of co-operation: NATO Partners across the Globe,
Observer State to the SCO.

37. Montenegro
Date of accession: June 2006
Scale of contributions: 0.05 per cent (49)
Area: 13,812 km² (49)
Population: 647,073 (49)
GDP per capita in current U.S. dollars: 7,371
GDP growth: 1.5 per cent (33)

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20   Malta joined the PfP in April 1995, but suspended its participation in October 1996. Malta
     re-engaged in the Partnership for Peace Programme in 2008, see: http://www.nato.int/
     docu/update/2008/04-april/e0403e.html.
21   2011.

Armed forces (active): 2,080 (49)
Memberships and forms of co-operation: CoE (2007), EAPC, PfP (2006), EU Candidate Country, RCC, SEECP, CEFTA, CEI (2006).

38. Netherlands
Date of accession: June 1973
Scale of contributions: 4.36 per cent (9)
Area: 41,543 km² (41)
Population: 16,947,904 (15)
GDP per capita in current U.S. dollars: 51,590
GDP growth: 0.9 per cent (38)
Armed forces (active): 37,400 (19)
Memberships and forms of co-operation: OECD (1961), CoE (1949), NATO (1949), EAPC, EU (1958), Observer to the Barents Euro-Arctic Council.

39. Norway
Date of accession: June 1973
Scale of contributions: 2.05 per cent (15)
Area: 323,802 km² (15)
Population: 5,207,689 (34)
GDP per capita in current U.S. dollars: 97,363
GDP growth: 2.2 per cent (23)
Armed forces (active): 25,800 (25)
Memberships and forms of co-operation: OECD (1961), CoE (1949), NATO (1949), EAPC, EU Association Agreement, Barents Euro-Arctic Council, Nordic Council (1952), CBSS (1992), RCC.

40. Poland
Date of accession: June 1973
Scale of contributions: 1.35 per cent (17)
Area: 312,685 km² (16)
Population: 38,562,189 (10)
GDP per capita in current U.S. dollars: 14,423
GDP growth: 3.4 per cent (12)
Armed forces (active): 99,300 (11)
Memberships and forms of co-operation: OECD (1996), CoE (1991), NATO (1999), EAPC, EU (2004), Observer to the Barents Euro-Arctic Council, CBSS (1992), RCC, CEI (1991).

41. Portugal
Date of accession: June 1973
Scale of contributions: 0.98 per cent (19)
Area: 92,090 km² (27)
Population: 10,825,309 (17)

GDP per capita in current U.S. dollars: 22,081
GDP growth: 0.9 per cent (38)
Armed forces (active): 34,600 (20)
Memberships and forms of co-operation: OECD (1961), CoE (1976), NATO (1949), EAPC, EU (1986).

42. Romania
Date of accession: June 1973
Scale of contributions: 0.6 per cent (23)
Area: 238,391 km² (19)
Population: 21,666,350 (13)
GDP per capita in current U.S. dollars: 9,997
GDP growth: 1.8 per cent (29)
Armed forces (active): 71,400 (12)
Memberships and forms of co-operation: CoE (1993), NATO (2004), EAPC, EU (2007), RCC, SEECP, CEI (1996), BSEC.

43. Russian Federation
Date of accession: June 1973
Scale of contributions: 6 per cent (6)
Area: 17,098,242 km² (1)
Population: 142,423,773 (2)
GDP per capita in current U.S. dollars: 12,736
GDP growth: 0.6 per cent (41)
Armed forces (active): 771,000 (2)
Memberships and forms of co-operation: CoE (1996), EAPC, PfP (1994), NATO-Russia Council (2002[22]), CIS (1991), EAEU, CSTO, Barents Euro-Arctic Council, CBSS (1992), BSEC, SCO.

44. San Marino
Date of accession: June 1973
Scale of contributions: 0.125 per cent (40)
Area: 61 km² (55)
Population: 33,020 (55)
GDP per capita in current U.S. dollars: n/a
GDP growth: n/a
Armed forces (active): none
Memberships and forms of co-operation: CoE (1988).

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22   In April 2014, NATO suspended all practical co-operation with Russia, including in the NATO-Russia-Council.

45. Serbia
Date of accession: November 2000[23]
Scale of contributions: 0.14 per cent (39)
Area: 77,474 km² (31)
Population: 7,176,794 (28)[24]
GDP per capita in current U.S. dollars: 6,153
GDP growth: -1.8 per cent (47)
Armed forces (active): 28,150 (23)
Memberships and forms of co-operation: CoE (2003), EAPC, PfP (2006), EU
Candidate Country, RCC, SEECP, CEFTA, CEI (1989/2000), BSEC.

46. Slovakia
Date of accession: January 1993
Scale of contributions: 0.28 per cent (30)
Area: 49,035 km² (38)
Population: 5,445,027 (32)
GDP per capita in current U.S. dollars: 18,417
GDP growth: 2.4 per cent (19)
Armed forces (active): 15,850 (34)
Memberships and forms of co-operation: OECD (2000), CoE (1993), NATO
(2004), EAPC, EU (2004), RCC, CEI (1990/1993).

47. Slovenia
Date of accession: March 1992
Scale of contributions: 0.22 per cent (32)
Area: 20,273 km² (48)
Population: 1,983,412 (46)
GDP per capita in current U.S. dollars: 23,963
GDP growth: 2.6 per cent (16)
Armed forces (active): 7,600 (45)
Memberships and forms of co-operation: OECD (2010), CoE (1993), NATO
(2004), EAPC, EU (2004), RCC, SEECP, CEI (1992).

48. Spain
Date of accession: June 1973
Scale of contributions: 4.58 per cent (8)
Area: 505,370 km² (9)
Population: 48,146,134 (8)
GDP per capita in current U.S. dollars: 30,262
GDP growth: 1.4 per cent (34)
Armed forces (active): 133,250 (9)

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23   Yugoslavia was suspended from 7 July 1992 to 10 November 2000.
24   This figure does not include the population of Kosovo.

Memberships and forms of co-operation: OECD (1961), CoE (1977), NATO (1982), EAPC, EU (1986), RCC.

49. Sweden
Date of accession: June 1973
Scale of contributions: 3.24 per cent (10)
Area: 450,295 km² (11)
Population: 9,801,616 (21)
GDP per capita in current U.S. dollars: 58,887
GDP growth: 2.3 per cent (22)
Armed forces (active): 15,300 (35)
Memberships and forms of co-operation: OECD (1961), CoE (1949), EAPC, PfP (1994), EU (1995), Barents Euro-Arctic Council, Nordic Council (1952), CBSS (1992), RCC.

50. Switzerland
Date of accession: June 1973
Scale of contributions: 2.81 per cent (12)
Area: 41,277 km² (42)
Population: 8,121,830 (26)
GDP per capita in current U.S. dollars: 84,733[25]
GDP growth: 1.9[26]
Armed forces (active): 21,250 (29)
Memberships and forms of co-operation: OECD (1961), CoE (1963), EAPC, PfP (1996), EU Association Agreement, RCC.

51. Tajikistan
Date of accession: January 1992
Scale of contributions: 0.05 per cent (49)
Area: 144,100 km² (22)
Population: 8,191,958 (25)
GDP per capita in current U.S. dollars: 1,114
GDP growth: 6.7 per cent (4)
Armed forces (active): 8,800 (42)
Memberships and forms of co-operation: EAPC, PfP (2002), CIS (1991), CSTO, SCO.

52. Turkey
Date of accession: June 1973
Scale of contributions: 1.01 per cent (18)
Area: 783,562 km² (6)
Population: 79,414,269 (4)

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25   2013.
26   2013.

GDP per capita in current U.S. dollars: 10,530
GDP growth: 2.9 per cent (14)
Armed forces (active): 510,600 (3)
Memberships and forms of co-operation: OECD (1961), CoE (1949), NATO (1952), EAPC, EU Candidate Country, RCC, SEECP, BSEC, SCO Dialogue Partner.

53. Turkmenistan

Date of accession: January 1992
Scale of contributions: 0.05 per cent (49)
Area: 488,100 km² (10)
Population: 5,231,422 (33)
GDP per capita in current U.S. dollars: 9,032
GDP growth: 10.3 per cent (1)
Armed forces (active): 22,000 (28)
Memberships and forms of co-operation: EAPC, PfP (1994), CIS (1991).

54. Ukraine

Date of accession: January 1992
Scale of contributions: 0.68 per cent (22)
Area: 603,550 km² (8)[27]
Population: 44,429,471 (9)
GDP per capita in current U.S. dollars: 3,082
GDP growth: -6.8 per cent (49)
Armed forces (active): 121,500 (10)[28]
Memberships and forms of co-operation: CoE (1995), EAPC, PfP (1994), NATO-Ukraine Charter/NATO-Ukraine Commission (1997), EU Association Agreement,[29] CIS (1991), CEI (1996), BSEC.

55. United Kingdom

Date of accession: June 1973
Scale of contributions: 9.35 per cent (2)
Area: 243,610 km² (18)
Population: 64,088,222 (6)
GDP per capita in current U.S. dollars: 45,603
GDP growth: 2.6 per cent (16)
Armed forces (active): 159,150 (7)

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27   The government of Ukraine has had no control over Crimea since March 2014 and none over the areas controlled by rebels since April/May 2014.
28   Not taking account of the unclear situation caused by the ongoing conflict.
29   The European Parliament and the Ukrainian Verkhovna Rada ratified the Association Agreement simultaneously on 16 September 2014. It applies provisionally until all EU member states have ratified it. A suspensory and non-binding referendum on the approval of the Association Agreement will be held in the Netherlands on 6 April 2016. On the basis of an agreement between Russia and Ukraine, application of the section on trade was suspended until 31 December 2015.

Memberships and forms of co-operation: G7 (1975), OECD (1961), CoE (1949), NATO (1949), EAPC, EU (1973), Observer to the Barents Euro-Arctic Council, RCC.

56. USA
Date of accession: June 1973
Scale of contributions: 11.5 per cent (1)
Area: 9,833,517 km² (3)
Population: 321,368,864 (1)
GDP per capita in current U.S. dollars: 54,629
GDP growth: 2.4 per cent (19)
Armed forces (active): 1,433,150 (1)
Memberships and forms of co-operation: G7 (1975), OECD (1961), NATO (1949), EAPC, Observer to the Barents Euro-Arctic Council, RCC, NAFTA.

57. Uzbekistan
Date of accession: January 1992
Scale of contributions: 0.35 per cent (29)
Area: 447,400 km² (12)
Population: 29,199,942 (12)
GDP per capita in current U.S. dollars: 2,038
GDP growth: 8.1 per cent (2)
Armed forces (active): 48,000 (15)
Memberships and forms of co-operation: EAPC, PfP (1994), CIS (1991), SCO.

Sources:

Date of accession:
http://web.archive.org/web/20100826040207/http://www.osce.org/about/131 31.html and http://www.osce.org/de/mc/97738 (Mongolia)

Scale of contributions:
OSCE, Decision of the Permanent Council, PC.DEC/1072, 7 February 2013. http://www.osce.org/pc/99508

Area:
https://www.cia.gov/library/publications/the-world-factbook/fields/print_2147.html

Population:
(estimated as of July 2015) https://www.cia.gov/library/publications/the-world-factbook/fields/print_2119.html

GDP per capita in current U.S. dollars:
(as of 2014, unless stated to the contrary)
http://data.worldbank.org/indicator/NY.GDP.PCAP.CD/countries

GDP growth:
(as of 2014, unless stated to the contrary)
http://data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG/countries

Armed forces (active):
International Institute for Strategic Studies (ed.), The Military Balance 2015, London 2015

OSCE Conferences, Meetings, and Events 2014/2015

2014

23-24 July	Office for Democratic Institutions and Human Rights (ODIHR): Training Against Hate Crimes for Law Enforcement (TAHCLE) – Training of Trainers, Warsaw
10-12 September	Chairmanship/Office of the Co-ordinator of OSCE Economic and Environmental Activities (OCEEA): Concluding Meeting of the 22nd OSCE Economic and Environmental Forum on "Responding to environmental challenges with a view to promoting co-operation and security in the OSCE area", Prague
16-17 September	OSCE/UNODC under the auspices of the Government of Malta and with the support of Liechtenstein, Spain and Switzerland: Workshop on "Preventing and responding to terrorist kidnapping and hostage-taking", Valletta
18 September	OSCE Secretariat/Italian Presidency of the EU/Chairmanship/Italian Foreign Ministry/Institute of International Affairs of Rome: Towards Helsinki +40: The OSCE, the Global Mediterranean and the Future of Co-operative Security, Rome
19 September	OSCE Representative on Freedom of the Media (RFOM): Second expert meeting on Open Journalism, Vienna
22 September - 3 October	ODIHR: Human Dimension Implementation Meeting 2014, Warsaw
25-26 September	OSCE Parliamentary Assembly (PA): First Seminar of the OSCE PA's Helsinki +40 Project on "Helsinki+40 Process: Prospects for Strengthening the OSCE", Moscow
26 September	OSCE RFOM: Third meeting of the representative of media organizations of Russian Federation and Ukraine, Vienna
1 October	OSCE Communications and Media Relations Section/ Graduate Institute, Geneva: The OSCE and Security in a New World, Geneva
2 October	High Commissioner on National Minorities (HCNM): Max van der Stoel Award 2014; the winner is Kyrgyzstan-based NGO Spravedlivost, The Hague

3 October	OSCE PA: 2014 Fall Meeting on "New Security Challenges: The Role of Parliaments", Geneva
7-27 October	OSCE Project Co-ordinator in Ukraine (PCU): OSCE supports voter awareness campaign ahead of Ukraine's early parliamentary elections, Ukraine
10 October	OSCE Conflict Prevention Centre (CPC)/OSCE Group of Friends on Mediation and Crisis Management Initiative (CMI): High-level conference on mediation in the OSCE area, Vienna
21-22 October	OSCE Transnational Threats Department (TNTD)/ Global Counterterrorism Forum: Workshop "Advancing Women's Roles in Countering Violent Extremism and Radicalization that Lead to Terrorism", Vienna
27-28 October	OSCE Secretariat: 2014 OSCE Mediterranean Conference on "Illicit Trafficking in Small Arms and Light Weapons and Fight against Terrorism in the Mediterranean Region", Neum
30-31 October	ODIHR: Supplementary Human Dimension Meeting: Human Rights and Fundamental Freedoms in Economic Crisis, Vienna
3 November	OSCE Communication and Media Relations Section: OSCE Cafe "Democracy Rising", Strasbourg
4 November	OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings: Conference "Ethical issues in Preventing and Combating Human Trafficking", Vienna
7 November	Chairmanship/OSCE TNTD: Conference on OSCE Confidence-Building Measures (CBMs) to reduce the risks of conflict stemming from the use of ICTs: Promoting implementation, supporting negotiations, Vienna
10-11 November	OSCE RFOM: 11th OSCE South Caucasus Media Conference: Public Service Broadcasting in the Digital Age, Tbilisi
12-13 November	Federal Ministry of Foreign Affairs/OSCE Chairmanship/ODIHR: Tenth Anniversary of the OSCE's Berlin Conference on Anti-Semitism: High-Level Commemorative Event and Civil Society Forum, Berlin
13-14 November	ODIHR: Second OSCE/ODIHR Youth Leadership Forum 2014, Warsaw
13-14 November	OSCE PA: Second Seminar of the OSCE PA's Helsinki +40 Project, Washington

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18 November	OSCE PA: Second Seminar of the OSCE PA's Helsinki +40 Project on "Helsinki +40: Implications for the Transatlantic Relationship", Washington, DC
4-5 December	Chairmanship: 21st OSCE Ministerial Council, Basel
11 December	OSCE RFOM: Fourth meeting of the representative of media organizations of Russian Federation and Ukraine, Vienna
18 December	OSCE RFOM: Discussion on Freedom of Expression for Tolerance and Non-Discrimination, Vienna

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1 January	Serbia takes over the OSCE Chairmanship from Switzerland. Serbian Foreign Minister Ivica Dačić becomes Chairperson-in-Office
26-27 January	Chairmanship/OCEEA: First Preparatory Meeting of the 23rd OSCE Economic and Environmental Forum on "Water governance in the OSCE area – increasing seurity and stability through co-operation", Vienna
18-20 February	OSCE PA: OSCE Parliamentary Assembly Winter Meeting, Vienna
25 February	OSCE RFOM: Fifth meeting of the representative of media organizations of Russian Federation and Ukraine, Vienna
27 February	OSCE: After Paris – The Freedom of the Media and Countering Violent Extremism and Radicalization, Vienna
9-10 March	ODIHR: Regional roundtable on Electoral Dispute Resolution in Eastern Europe and the South Caucasus: Access to Justice and Effective Legal Remedies, Warsaw
11 March	OSCE PA: Third Seminar of the OSCE PA's Helsinki +40 Project on "The OSCE's role in (Re)consolidating European Security", Stockholm
17 March	OSCE Secretary General/Wilson Centre: Security Days: Current Challenges to Euro-Atlantic Security – Strategies for Co-operation and Joint Solutions, Washington, DC
16-17 April	Chairmanship/ODIHR: Supplementary Human Dimension Meeting on Freedoms of Peaceful Assembly and Association, with Emphasis on Freedom of Association, Vienna
21 April	CTBTO/IAEA/OSCE/UNIDO/UNODC: High-level panel discussion on "The Use of Evaluation in

	Evidence-Based Policy Making 'Accountability and Learning: Getting to Results and Impact'", Vienna
21 April	OSCE CPC/Chairmanship/OSCE Mission to Serbia: OSCE-wide Conference on Security Sector Governance and Reform, Belgrade
23 April	OSCE RFOM: Sixth meeting of the representative of media organizations of Russian Federation and Ukraine, Vienna
27 April	OSCE PA: Fourth Seminar of the OSCE PA's Helsinki +40 Project on "The OSCE's Lack of Legal Status – Challenges in Crisis Situations", Copenhagen
29-30 April	OSCE/Global Partnership for the Prevention of Armed Conflict/International Institute for Democracy and Electoral Assistance/United Nations University Institute on Comparative Regional Integration Studies/ Organization of American States: Strengthening Peace and Security Co-operation towards Democracy and Development, Vienna
6 May	OSCE Forum for Security Co-operation (FSC): Security Dialogue entitled "Conventional Arms Control and Confidence- and Security-Building Measures (CSBM): State of play and perspectives", Vienna
11-13 May	Chairmanship/OCEEA: Second Preparatory Meeting of the 23rd Economic and Environmental Forum, Belgrade
13 May	European Council on Foreign Relations/Institute of International Affairs (IAI) in co-operation with the OSCE and Compagnia di San Paolo: Workshop "A multilateral approach to ungoverned spaces: Libya and beyond", London
18 May	ODIHR: Conference on enhancing efforts to prevent and combat intolerance and discrimination against Christians, focusing on hate crimes, exclusion, marginalisation and denial of rights, Vienna
27-28 May	OSCE PA: Fifth Seminar of the OSCE PA's Helsinki +40 Project on "Reaffirming the Strengths, Envisioning the Prospects", Belgrade
28-29 May	OSCE OCEEA/EBRD/UNCITRAL: Regional seminar on enhancing public procurement regulation, Vienna
28 May	OSCE Border Management Staff College (BMSC): Afghanistan – Central Asian Perspectives on Regional Security, Dushanbe
1-2 June	OSCE: 2015 OSCE Asian Conference, Seoul

1-3 June	Chairmanship/ODIHR: Human Dimension Seminar on the role of national human rights institutions (NHRIs) in promoting and protecting human rights in the OSCE area, Warsaw
8-10 June	Republic of Belarus (Chair): Third Open Skies Treaty Review Conference, Vienna
11-12 June	OSCE Court of Conciliation and Arbitration/OSCE Secretariat: Conciliation in the Globalized World of Today, Vienna
23-25 June	OSCE: 2015 Annual Security Review Conference, Vienna
25 June	OSCE RFOM: Tweetchat on digital threats and online abuse of female journalists, Vienna
30 June - 1 July	Chairmanship/OSCE TNTD/Action against Terrorism Unit (ATU): OSCE-wide Counter-Terrorism Expert Conference: "Countering the Incitement and Recruitment of Foreign Terrorist Fighters", Vienna
2-3 July	Chairmanship/ODIHR: Second Supplementary Human Dimension Meeting (SHDM) on "Freedom of Religion of Belief, Fostering Mutual Respect and Understanding", Vienna
5 July	OSCE PA: OSCE PA's Helsinki +40 Project Results, Helsinki
5-9 July	OSCE PA: 24th Annual Session, Helsinki
6-7 July	Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings: 15th Alliance against Trafficking in Persons Conference "People at risk: combating human trafficking along migration routes", Vienna
10 July	Chairmanship: Informal high-level OSCE meeting in Helsinki

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Abbreviations

ACMF	Advisory Committee on Management and Finance
AIAM	Annual Implementation Assessment Meeting
ANSF	Afghan National Security Forces
ASEAN	Association of Southeast Asian Nations
ASRC	Annual Security Review Conference
ATO	Anti-Terrorist Operation
ATT	Arms Trade Treaty
ATU	Action against Terrorism Unit
AXO	Abandoned Explosive Ordnance
BISS	Baltic Institute of Social Sciences
BMO	Border Monitoring Operation
BMSC	Border Management Staff College
BRICS	Brazil, Russia, India, China, and South Africa
BSEC	Black Sea Economic Cooperation
BSMC	Border Security and Management Concept
BSMU	Border Security and Management Unit
BST	Border Support Team
CACO	Central Asian Cooperation Organization
CADR/CALR	Certain Areas of the Donetsk and Luhansk Regions
CBMs	Confidence-Building Measures
CBSS	Council of the Baltic Sea States
CEEA	Co-ordinator of OSCE Economic and Environmental Activities
CEFTA	Central European Free Trade Agreement
CEI	Central European Initiative
CERD	Committee on the Elimination of Racial Discrimination
CFE	Conventional Armed Forces in Europe
CFE Treaty	Treaty on Conventional Armed Forces in Europe
CFSP	Common Foreign and Security Policy
CICA	Conference on Interaction and Confidence-Building Measures in Asia
CiO	Chairperson-in-Office
CIS	Commonwealth of Independent States
CMI	Crisis Management Initiative
CoE	Council of Europe
Comecon	Council for Mutual Economic Assistance
CORE	Centre for OSCE Research
CPC	Conflict Prevention Centre
CPC/OS	Operations Service of the Conflict Prevention Centre
CPRSI	Contact Point for Roma and Sinti Issues
CRRC	Caucasus Research Resource Centre

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CSBMs	Confidence- and Security-Building Measures
CSCE	Conference on Security and Co-operation in Europe (since January 1995 OSCE)
CSOs	Civil Society Organizations
CSP	Conference of States Parties
CST	Treaty on Collective Security
CSTO	Collective Security Treaty Organization
CTBTO	Comprehensive Nuclear-Test-Ban Treaty Organization
DF/DPP	Dansk Folkeparti/Danish People's Party
DNFBP	Designated Non-Financial Businesses and Professions
DPR	Donetsk People's Republic (self-declared)
EAEU	Eurasian Economic Union
EaP	Eastern Partnership
EAPC	Euro-Atlantic Partnership Council
EASO	European Asylum Support Office
EBRD	European Bank for Reconstruction and Development
EC	European Commission
EC	European Community
ECHR	European Convention on Human Rights
ECRI	European Commission against Racism and Intolerance
ECtHR	European Court of Human Rights
EEAS	European External Action Service
EED	Economic and Environmental Dimension
EEF	Economic and Environmental Forum
EEU	Eurasian Economic Union
ELN	European Leadership Network
ENP	European Neighbourhood Policy
EOM	Election Observation Mission
ERW	Explosive Remnants of War
ESDP	European Security and Defence Policy
EU	European Union
EUC	End User Certificates
EUFOR	European Union Force
EUROJUST	European Union's Judicial Cooperation Unit
Europol	European Police Office
EUSR	European Union Special Representative
EXBS	Export Control and Related Border Security Program
FATF	Financial Action Task Force
FIU	Financial Intelligence Unit
FN	Front National/National Front
FPÖ	Freiheitliche Partei Österreichs/Freedom Party of Austria
FRA	European Union Agency for Fundamental Rights
FSC	Forum for Security Co-operation
FYROM	Former Yugoslav Republic of Macedonia

G8/G7	Group of Eight/Group of Seven
G20	Group of Twenty
GBAR	Gorno-Badakhshan Autonomous Region
GBG	Georgian Border Guards
GCSP	Geneva Centre for Security Policy
GD	Georgian Dream
GDP	Gross Domestic Product
GDR	German Democratic Republic
GNI	Gross National Income
GNP	Gross National Product
GPS	Global Positioning System
HCNM	High Commissioner on National Minorities
HDIM	Human Dimension Implementation Meeting
HDS	Human Dimension Seminar
HLPG	High-Level Planning Group
HoM	Head of Mission
HQ	Headquarters
HRAM	Human Rights Assessment Mission
IAEA	International Atomic Energy Agency
IAI	Institute of International Affairs
ICAO	International Civil Aviation Organization
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESRC	International Covenant on Economic, Social and Cultural Rights
ICJ	International Court of Justice
ICRC	International Committee of the Red Cross
ICT	Information and Communications Technology
IDPs	Internally Displaced Persons
IED	Improvised Explosive Device
IEOM	International Election Observation Mission
IIMFCS/ NIMFOGO	Independent Institute for Monitoring of the Formation of Civil Society/Nezavisimyi institut po monitoringu formirovaniya grazhdanskogo obshchestva
IJU	Islamic Jihad Union
ILO	International Labour Organization
IMCA	Islamic Movement of Central Asia
IMF	International Monetary Fund
IMU	Islamic Movement of Uzbekistan
IOM	International Organization for Migration
IPI	International Peace Institute

IRP(T)	Islamic Renaissance Party (of Tajikistan)
IS	Islamic State
ISAF	International Security Assistance Force
JaK	Jund al-Khilafah/Soldiers of the Caliphate
JCCC	Joint Centre for Control and Co-ordination
KaPO	Kaitsepolitseiamet/Internal Security Service
LAS	League of Arab States
LPR	Lugansk People's Republic (self-declared)
LTOs	Long-Term Observers
MANPADS	Man-Portable Air Defence Systems
MAP	Membership Action Plan
MBFR	Mutual and Balanced Force Reductions
MC	Ministerial Council
MFA	Ministry of Foreign Affairs
MGIMO	Moskovsky gosudarstvennyi institut mezhdunarodnykh otnoshenii (universitet)/Moscow State Institute of International Relations (University)
MIA	Ministry of Internal Affairs
ML/FT	Money Laundering and the Financing of Terrorism
MLRS	Multiple Launch Rocket System
MOAS	Migrant Offshore Aid Station
MOI	Ministry of the Interior
MP	Member of Parliament
MPCs	Mediterranean Partners for Co-operation
NACC	North Atlantic Cooperation Council
NAFTA	North American Free Trade Agreement
NAM	Needs Assessment Mission
NAP	National Action Plan
NATO	North Atlantic Treaty Organization
NDI	National Democratic Institute
NEOS	Das Neue Österreich und Liberales Forum/The New Austria and Liberal Forum
NGOs	Non-Governmental Organizations
NHRIs	National Human Rights Institutions
NIMFOGO/ IIMFCS	Nezavisimyi institut po monitoringu formirovaniya grazhdanskogo obshchestva/Independent Institute for Monitoring of the Formation of Civil Society
N+N States	Neutral and Non-Aligned States
NPT	Nuclear Non-Proliferation Treaty
NRA	National Risk Assessment
NRC	NATO-Russia Council
OAS	Organization of American States

OCEEA	Office of the Co-ordinator of OSCE Economic and Environmental Activities
ODIHR	Office for Democratic Institutions and Human Rights
OECD	Organization for Economic Co-operation and Development
OFA	Ohrid Framework Agreement
OHCHR	Office of the High Commissioner for Human Rights
OIC	Organisation of Islamic Cooperation
OSCE	Organization for Security and Co-operation in Europe
OSR/CTHB	Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings
PA	Parliamentary Assembly
PACE	Parliamentary Assembly of the Council of Europe
PC	Permanent Council
PCU	Project Co-ordinator in Ukraine
PCUz	Project Co-ordinator in Uzbekistan
PEP	Panel of Eminent Persons
PfP	Partnership for Peace
PISM	Polski Instytut Spraw Międzynarodowych/Polish Institute of International Affairs
PKD	Public Key Directory
PoA	Programme of Action
POS	Political Opportunity Structure
PVV	Partij voor de Vrijheid/Party for Freedom
RATS	Regional Anti-Terrorist Structure
RCC	Regional Cooperation Council
RFOM	Representative on Freedom of the Media
RSFSR	Russian Soviet Federative Socialist Republic
RSM	Resolute Support Mission
SAA	Stabilisation and Association Agreement
SALT	Strategic Arms Limitation Treaty
SALW	Small Arms and Light Weapons
SAP	Stabilisation and Association Process
SAR	Synthetic Aperture Radar
SART	Search and Rescue Training
SCHR	Swiss Centre of Expertise in Human Rights
SCO	Shanghai Cooperation Organisation
SD	Sverigedemokraterna/Sweden Democrats
SEATO	South East Asia Treaty Organization
SECI	Southeast European Cooperative Initiative
SEECP	South-East European Cooperation Process
SG	Secretary General
SHDM	Second Supplementary Human Dimension Meeting
SIPRI	Stockholm International Peace Research Institute

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SKDS	Tirgus un sabiedriskās domas pētījumu centrs/Market and public opinion research centre
SMM	Special Monitoring Mission
SPMU	Strategic Police Matters Unit
SPÖ	Sozialdemokratische Partei Österreichs/Social Democratic Party of Austria
START	Strategic Arms Reduction Treaty
SWP	Stiftung Wissenschaft und Politik/German Institute for International and Security Affairs
TAHCLE	Training Against Hate Crimes for Law Enforcement
TAP	Training Assistance Programme
TCG	Trilateral Contact Group
TEC	Territorial Election Commission
THB	Trafficking in Human Beings
TISP	Transitional Institutional Support Programme
TNT	Transnational Threats
TNTD	Transnational Threats Department
UAV	Unmanned Aerial Vehicle
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
UKIP	United Kingdom Independence Party
UkSSR	Ukrainian Soviet Socialist Republic
UN/UNO	United Nations/United Nations Organization
UNCHR	United Nations Commission on Human Rights
UNCITRAL	United Nations Commission on International Trade Law
UNDP	United Nations Development Programme
UNECE	United Nations Economic Commission for Europe
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR/ UNOHCHR	United Nations High Commissioner for Human Rights/UN Office of the High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNHRC	United Nations Human Rights Council
UNIDO	United Nations Industrial Development Organization
UNM	United National Movement
UNMIK	United Nations Interim Administration Mission in Kosovo
UNODA	United Nations Office for Disarmament Affairs
UNODC	United Nations Office on Drugs and Crime
UNPoA	United Nations Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects
UNROCA	United Nations Register of Conventional Arms

UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution
USAID	United States Agency for International Development
USSR	Union of Soviet Socialist Republics
UXO	Unexploded Ordnance
VB	Vlaams Belang/Flemish Interest
VD	Vienna Document
WEF	World Economic Forum
WEU	Western European Union
WG	Working Group
WMD	Weapons of Mass Destruction
WTO	World Trade Organization

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Gyorgy Szabo, Ambassador, OSCE Project Co-ordinator in Uzbekistan; Tashkent

Heidi Tagliavini, Ambassador, from June 2014 until June 2015 Special Representative of the OSCE Chairperson-in-Office for the conflict in eastern Ukraine; Bern

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